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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XIV.

COMPRISING THE PERIOD FROM
THE THIRD DAY OF JULY,
TO
THE SIXTEENTH DAY OF AUGUST, 1832.

Sixth, and concluding, Volume of the Session.

LONDON:

Printed by T. C. HANSARD, *Pater-noster-Row,*
FOR BALDWIN AND CRADOCK; J. BOOKER; LONGMAN, REES, ORME, AND CO.;
J. M. RICHARDSON; PARBURY, ALLEN, AND CO.; J. HATCHARD AND SON;
J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD;
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1833.

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HANSARD'S

Parliamentary Debates

During the SECOND SESSION *of the* TENTH PARLIAMENT *of*
the United Kingdom of GREAT BRITAIN *and* IRELAND,
appointed to meet at Westminster,
6th December, 1831,
in the Second Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fifth (and concluding) Volume of the Seſſion.

HOUSE OF COMMONS,

Tuesday, July 3, 1832.

MINUTES.] Paper ordered. On the Motion of Mr. SPRING RICE, a Copy of Dr. Bowring's Report on the Military Expenditure of France.

Bills. Read a second time:—Tithe Prescription.—Read a third time:—Additional Churches.

Petitions presented. By Mr. SHAW, from the Orange Lodge, 1,690,—against the Party Processions Bill; and against the Ministerial Plan of Education (Ireland).—By Lord ROBERT GROSVENOR, from Chester;—by Lord MORPETH, from Halifax; and by Mr. CHARLES CALVERT, from the Parish of St. Olave, Southwark,—against the Vagrant (Scotland and Ireland) Removal Bill.—By Sir ANDREW AGNEW, from Watford, and two other Places; and by Mr. DUDLEY RYDER, from Hemel Hempstead, Walton, and Stapleford,—for the better Observance of the Sabbath. By Mr. WESTENRA, from Monaghan, for a more efficient Reform for Ireland; and against the Ministerial Plan of Education (Ireland).—By Mr. JAMES E. GORDON, from Falkirk, and two other Places, against the Grant to Maynooth College; from Newcastle-upon-Tyne, for the Abolition of Slavery; and from Irvine and Achonry, against the New Plan of Education (Ireland).—By Mr. CHARLES CALVERT, from the Parish of St. Olave, Southwark, for giving Poor Laws to Ireland.—By Mr. LEFROY, from the Protestant Conservative Society (Ireland), and from Ardbraccan, against the Reform of Parliament (Ireland) Bill.

IMPORTS AND EXPORTS.] Mr. Alderman *Waithman* rose for the purpose of submitting to the House certain Resolutions connected with the trade and commerce of the country, and founded on parliamentary documents, which he conceived to be of the highest importance. On a former occasion, when he introduced this subject to the notice of the House, his arguments were met by a preposterous statement of Mr. Huskisson, about the increase of our exports, to the amount of several millions per annum; but, happening to know that a great depreciation in the real value had taken place, he felt it his duty to contradict that statement. Unfortunately, Mr. Huskisson's authority in the House was so great, that his assertion passed current with it, and no attention was paid to the contradiction. The House was aware that he had, for several years, moved for returns connected with this subject; and he had endeavoured so to simplify those returns, that any one who would take the trouble might comprehend them. According to his view, the state of England was never so bad as it was at present. He had heard it said, that there was now less poverty among the working classes than some years back; but he had not been able to make that discovery; and, if he had, there would be no reason for not submitting his Resolutions to the House. They were drawn up by him for the purpose of exposing at one view those general results which were connected with this subject. He had not pretended to give any opinions of his own in addition to the data which he had drawn from parliamentary documents.

He had confined himself entirely to incontrovertible facts, in order that the House might have no hesitation in giving its sanction to his propositions. He knew that the House objected to the reading of long documents; but he, nevertheless, trusted that it would indulge him while he brought before it the contents of the Resolutions to which he had already referred. His Resolutions, then, were these:—

1. That the trade, manufactures, and commerce of the country are so essentially connected with the interests and prosperity of the British empire, that a retrospect of their state, progress, and fluctuation is at all times highly important, but more particularly at the present moment, when various classes of the community are suffering embarrassment, distress, and privation.

2. That it appears by a return made to this House on the 5th of April, 1830, that since the year 1798, the time when the declaration of the real value of goods exported was first required, great changes and fluctuations have taken place in the amount of Exports, and in the relative value of our produce and manufactures, as compared with the official value denoted by rates established at the Custom-house.

3. That it should be borne in mind, that the official valuation is an estimate founded upon a rate of prices in the Custom-house books, formed at a remote period, and which, although corresponding with the actual value at the time they were formed, afford no criterion whatever of present value; but they are nevertheless highly useful, inasmuch as they serve to show the increase or decrease, as the same may be, in the quantity of goods exported, and the appreciation or depreciation in price, as compared with the real value.

4. That it is material to observe, that not only do these official rates distinctly mark out the alteration and fluctuation in the value of goods exported, but they are of still higher importance, as they equally exhibit the alteration and fluctuation in price, and the appreciation and depreciation in the value of our produce and manufactures for home consumption, and afford means of accounting for national prosperity or depression, and the increase or decrease of the revenue.

5. That it appears by the said Parliamentary Return, that in the year ending the 5th January, 1799, the amount of our Exports in real value, exceeded the official value by more than 12,500,000*l.* per annum; and in the year ending 5th January, 1803, the excess had increased to nearly 20,000,000*l.* in that one year, being as follows:—

Year Ending.	Official Value.	Real Value.	Excess of Real over Official.
	£.	£.	£.
5th Jan. 1799	18,556,891	31,252,836	12,695,945
— 1803	25,195,893	45,102,330	19,906,437

6. That from the above period a rapid depreciation in the real compared with the official value of our manufactures took place, as will be seen by the yearly average amount of the following averages of five years:—

Average of Five Years from	Yearly Average Official Value.	Yearly Average Real Value.	Yearly Excess of Real.	Yearly Excess of Official.
	£.	£.	£.	£.
Jan. 5, 1799 — 1803	22,674,252	37,193,736	15,019,482	—
— 1808..	22,662,530	37,327,790	14,665,260	—
— 1813..	28,113,513	39,908.466	11,794,938	—
— 1819..	38,176,225	43,971,788	5,615,563	—
— 1824..	39,554,638	35,282,152	—	4,262,486
— 1830..	48,929,230	35,713,824	—	13,215,406

7. Whereby it appears, that up to the year 1819, comprising a space of twenty years, during which time most of our inventions and improvements in machinery were in full operation, and had had, as well as the revulsion from war to peace, their full effect upon prices, the real, as compared with the official value, had depreciated, upon the average of the five latter years, to the amount of 9,403,919*l.* per annum; but it should be remarked, that notwithstanding such depreciation, the amount in real value, as compared with the real value of the Exports of the preceding years, had increased 6,778,052*l.* per annum on the same average.

8. That from the 5th of January, 1819, to the 5th of January, 1830, the real value as compared with the official had depreciated, upon the average of the five latter years, to the further enormous amount of 18,830,968*l.* per annum, while the Exports in real value, compared with the real value up to 1819 had, as will subsequently appear, decreased several millions per annum.

	£.	£.
1803.—Exports in real value ..	.. 45,102,330	
————official do.	.. 25,195,893	19,906,437
1830.—Exports in official value	.. 55,465,723	
————real do. ..	.. 35,212,873	20,252,850
Being a depreciation per annum of		40,159,287

9. That it appears by a subsequent return, that the Exports for the two last years were—

Year Ending.	Official Value.	Real Value.	Excess of Official over Real Value.
	£.	£.	£.
5th Jan. 1831	60,492,637	37,691,302	22,801,335
— 1832	60,090,123	36,652,694	23,437,429

Whereby it appears, that a further depreciation has taken place in the two last years, amounting to 3,184,579*l.* per annum; and although there has been an increase on the exportation of British produce, there has been a decrease in the report of foreign or colonial.

10. That at the commencement of the Session of 1830, this House was assured by the Government, in the Speech from the Throne, "that the Exports had exceeded those of any former year, and afforded indications of active commerce;" although it was admitted "that distress existed in some of the agricultural and manufacturing districts." It appeared, however, by papers subsequently laid before this House, that although the Exports had exceeded those of the former year in quantity, as denoted by official valuation, to the

amount of .. ..£ 3,445,955

Yet in real value they were below those of the former year by 937,506

Being a depreciation in that one year of 4,383,461

11. That the above is, therefore, a depreciation of about eight per cent upon the value of our manufactures in that year alone, and instead of being "an indication of active commerce," it shows that nearly four and a half millions of the labour of this country has not only been given to foreigners without any equivalent, but it also appears, that we received back in the way of Imports one million and a quarter less than those of the former year; which facts sufficiently account for existing distress, independently of other causes.

EXPORTS AT REAL VALUE.

12. That putting entirely out of view the official valuation, by a comparison with which has been shown the immense and alarming depreciation in the value of manufacturing and other property not of a fixed nature, and the consequent and ruinous pressure upon the productive and industrious classes of the community, it becomes a matter of importance to inquire, whether, during the same period, our Export trade has, in actual or real value, increased or diminished, by comparing the amount of the real value of latter years with that of former.

13. That it will appear, by the same parliamentary document, that the following is the annual amount upon the respective stated averages:—

Yearly Exports in Real Value.

Average of Ten Years ending	Yearly Amount.	Yearly Increase.	Yearly Decrease.
	£.	£.	£.
5th Jan. 1808	37,335,763	—	—
— 1819	41,850,117	4,514,354	—
— 1830	35,517,609	—	6,332,508

14. Whereby it appears, that upon an average of ten years, up to 1819, that notwithstanding the depreciation in prices before stated, the Exports had increased in real amount above those of the previous ten years, above 4,500,000*l.* per annum, which may be considered a fair ratio with increased population. But it appears, that upon an average of the eleven subsequent years, ending on the 5th of January, 1830, compared with the previous ten years, they had decreased to the alarming extent of more than 6,250,000*l.* per annum, notwithstanding our greatly increased population.

15. That although, for want of the returns of the two last years, they are not included, and upon which there appears to have been an increase of Exports, yet, had they been included, they would not have materially altered the average, but the decrease would have exceeded 6,000,000*l.* per annum.

16. That the decrease of the Exports in actual amount of real value to so great an extent, as well also as an immense depreciation in value, is become the more serious, and affects more deeply the interests of the country, when it appears by parliamentary documents, that above 5,500,000*l.* of those Exports are in cotton yarns, and upon which amount there has been a depreciation of 3,000,000*l.* sterling.

IMPORTS AND EXPORTS COMPARED.

17. That it might be said, that the giving of increased quantities for a lower money nomination of value, would not affect the nation, provided increased quantities were received in exchange at equally diminished prices. But it must be perceived, that if this were the case, that giving increased quantities for increased quantities of foreign wines or luxuries at diminished prices, however advantageous to the consumers of those wines and luxuries, would be quite otherwise to those who by their labour, and with reduced wages, produce those increased quantities. It will be seen, however, that no such equivalent has been obtained, comparing the Imports with the Exports; in doing which, both must be taken at official value, as the real value of the Imports is not stated.

18. That our whole Exports, including foreign and colonial produce, and taking the whole period from 1798 to 1830, have increased from 27,000,000*l.* to 66,000,000*l.*, being an increase of 39,000,000*l.*; while, during the same period, the Imports have increased from 25,000,000*l.* to 42,000,000*l.*, being an advance of only 17,000,000*l.*

Yearly Exports and Imports upon the following Averages.

Ten Years, ending	Yearly Exports.	Yearly Imports.	Relative Decrease.
	£.	£.	£.
5th Jan. 1808	31,723,626	26,596,449	5,127,177
— 1819	44,441,503	30,018,295	14,423,207
— 1830	54,532,517	36,296,055	18,236,462

Exports and Imports of the Year 1829-1830.

Years ending	Exports.	Imports.	Difference.
	£.	£.	£.
5th Jan. 1829	61,948,383	43,536,187	18,412,196
— 1830	66,072,164	42,311,649	23,760,515

19. That the deficiency of the Imports, compared with the Exports for the last year, is to the enormous amount of nearly 24,000,000*l.*

20. That it appears a most inexplicable circumstance, that the Exports of the last year should have exceeded the Exports of the preceding year .. .. £. 4,123,378

And that the Imports should have been less than those of the previous year 1,225,539

Being a relative deficiency in one year of 5,349,317

21. That it is a further inexplicable circumstance, that of those decreased Imports there should have been less retained for home consumption, by .. 1,902,324

22. That the above facts seem still more extraordinary, when it is known, that the importations of corn alone amounted that year to 3,500,000*l.* sterling, and to above 9,000,000*l.* in the three last years; and when also the importations of wines, silks, &c., from France exceeded 2,000,000*l.* per annum.

23. That it is, however, obvious, that a large portion of our Exports go to the payment of our establishments abroad, for which there are no

returns, but the payments are made by bills upon the Treasury at home, but which can go but a small way to account for an excess of 42,000,000*l.* in the Exports over the Imports in the last two years only.

24. That it does, therefore, upon the whole, appear, that whatever causes may have influenced prices and depreciated value previous to the year 1819, that depreciation had been less rapid in its progress, and the Export trade had increased in actual amount of real value up to that period.

25. That since 1819 an unexampled depreciation has, with accelerated movement, taken place in the value of all property not of a fixed and durable nature, to the extent of forty per cent, or more; the effect of which has been, to destroy all the then existing relative proportions of property; and, while it has thereby depressed the home trade, and deeply affected all the productive classes of the community, our foreign trade has, in actual amount, fallen off several millions a year.

PERIODS OF FLUCTUATION.

26. That without attempting to draw conclusions from such co-incidental circumstances, certain it is, that periods of the greatest fluctuation, depression, and distress, have occurred at times when certain legislative measures have been under consideration or in operation, of which the following are instances.

27. That in the three years up to 1818, there was great distress and embarrassment; the reasons assigned for which were, a revulsion from war to peace, and the preparations made for the resumption of cash payments; and the depreciation in the real value of the Exports, compared with the official, was .. £. 9,130,825

That, in 1817, a bill passed to prolong the Bank restriction two years, and in 1818 the depreciation became less than that of the former year by 2,103,827

28. That in 1819, measures were adopted relative to the currency: prices declined, great distress followed, and, in 1824, the depreciation had fallen below that of 1818 to the amount of 13,644,526

That in 1822, the Small Note Bill passed; and in 1825 prices had advanced, and the depreciation had lessened, compared with the previous year, by 2,049,239

29. That in 1826, measures relative to the currency, and other measures said to be for the improvement of trade, increase of manufactures, and extension of commerce, and the removal of public distress, came into operation; but, notwithstanding the confident assurances held out, distress and embarrassment followed, and continued with more or less severity; and the year ending 5th January, 1830, compared with 1825, the depreciation further increased to the amount of 11,887,158

30. That from that period the depreciation has further increased to the amount of several millions, and a consequent depression of trade, and distress among the labouring classes.

31. That under such changes and fluctuations, and the alarming depression of the trade and manufactures of the country, affecting so deeply all its productive interests, it is become imperiously necessary to devise the most efficacious means of remedying these evils.

32. That without at present giving any opinion as to the causes or remedies, this House cannot but express its confidence that his Majesty's Government will satisfy the just expectations of the country, by devising such measures as may be best calculated for the removal of the existing distress and embarrassment.

It was a remarkable thing that the attention of the House had not been called to the extraordinary fluctuations pointed out by these Resolutions. If it were said that lowness of price was an advantage, he replied that it produced lowness of wages and distress among the working classes. It produced, too, privation among their employers, which involved them in still greater distress. A depreciation of price, full 50 per cent, had taken place since 1819, and the effect of that was, to depreciate all stock in trade half its value. How was it possible with that, that the country could be prosperous. In proportion, too, as the value of their property was decreased, the value of all fixed incomes rose; so that the suffering traders were actually ruined, that the public servants might live in comfort and splendour. Those who formerly bought into the funds at 60*l.* or 70*l.*, were now able to sell at 80*l.* or 90*l.*; and those who were engaged in trade had to make up the difference. Often as he had brought forward this subject, he must take the liberty of saying, that though he had been replied to, he had never been answered. No one had ever ventured to say, that this depreciation did not affect the industrious classes, or that it was not attended with a great sacrifice on their parts. And he challenged any one to get up and make such an assertion. He had been accused, too, of not holding our export trade in sufficient esteem; but there was no man more desirous than he was of promoting the interests of that trade. The great mistake of the theorists was, that they thought they could force it—an attempt which had always ended in ruin and destruction. If they wanted an instance of this, they need only refer to the attempt to supply Buenos Ayres, and other places, with our manufactures; the result of which was a most ruinous failure. He had always understood, that the most beneficial intercourse which could be carried on with foreigners was, to exchange our surplus commodities for their surplus commodities; the great advantage lying in the barter of dissimilar productions. But this had not been the aim of the theorists; on the contrary, what they had recommended was, to receive from foreign countries those very things which our own manufacturers were able to produce in great abundance. He did not know with what arguments he should be met on the present occasion; but, when this subject was last under discussion in that House, the Vice-President of the Board of Trade took upon himself to say, that the labouring poor of this country were in a better condition than they had been formerly; and he was sorry to observe, that Gentlemen who ought to have known better, seemed inclined to adopt that opinion. The right hon. Gentleman appealed to the poor-rates of 1819, 1820, and 1821, and stated, that the average of those years amounted to 7,500,000*l.*; while the amount of the rates for the year 1831, was only 6,800,000*l.* That was but a trifling difference. Before he proceeded, however, he must take the liberty of complaining of official Gentlemen quoting documents which they refused to lay on the Table, by which means they were able to make partial extracts; while the whole, if regularly before the public, would probably afford a very different result. With respect to the quotation of the right hon. Gentleman, he either advanced what he knew was not correct, or he betrayed very great ignorance. It must be remembered that the year 1819 was the dearest year known in our times; for corn sold from 80*s.* to 100*s.* per quarter. This, however, was the year to suit the right hon. Gentleman; and he, therefore, jumped over all the intermediate space between 1831 and 1819. Was that a fair way of dealing with the House of Commons? A correct result could only be obtained by taking the average of several years. He had done that; and he found, that the average for the poor-rates, for the seven years previous to 1824, was 6,900,000*l.*; and the average from 1824 to 1831, was 7,700,000*l.*; so that there had been an increase, in the latter period, of 788,000*l.* But that was not all. In the price of things there had been a depreciation of fifty per cent; and by taking this into the account, 8,000,000*l.* now was equal to 12,000,000*l.* formerly. In many places, the rates, on this account, had been lowered from 3*s.* to 1*s.* 6*d.*, because there were many poor now employed, under the Highway Act, in breaking stones at 1*s.* a day. If he wanted further proof of the general distress of the empire, he need only turn to Ireland. There the people were almost starving, on potatoes purchased by subscription; and yet that country sent a large supply of corn to the English market: so that Ireland was unnaturally wretched; its unfortunate people were not even allowed to consume that which nature had given for their support. Another proof of the distress of the country was the frightful increase of crime; and it ever was the case, that misery and crime had gone hand in hand together. He knew that speculative gentlemen extolled the cheapness of our manufactures, as the means of increasing our exports; but he challenged any one to show that a trade so conducted could be beneficial to the real interests of the country; on the contrary, it was most detrimental to those interests: any loss produced by it fell on the industry of the country. From a document in his possession it appeared, that 26,000,000*l.* of money was probably taken out of circulation by the want of employment which was felt in the country, and which amount was thereby prevented from getting into the hands of the farmer, the merchant, and the manufacturer. He did not wish to go into the question of free trade, but he must say, that it was evident that, if they reduced the circulating medium one-third, they reduced the activity of trade to the same extent. The intercourse of money transactions in this country had been calculated to amount to 800,000,000*l.* per annum, which, it was supposed, was performed by 60,000,000*l.* of circulating medium: if, therefore, one-third were taken away from this circulating medium, it was clear that the efficiency of commercial operations must be impeded to that extent, and distress inflicted on the great mass of the people dependent on those operations. He did not pretend to attribute the present distress to any one cause; it was owing to a complication of circumstances, such as the introduction of foreign goods, the reduction of the circulating medium, the mode of administering the poor-rates, and the allowing foreign labour to compete with our own in the markets of this country. So, in remedying this evil, he did not believe that any one measure would be sufficient. Even if they could entirely do away with poor-rates, or take off all taxes, he did not apprehend that adequate relief would be afforded. He might be told, that what we took from France was taken back again in cotton twist, and in colonial produce. But that was not a beneficial exchange; because the effect was roundabout and doubtful. Mr. Pitt, in one of his speeches, exposed this argument, and yet this was the sort of free trade the House was now called upon to support. He had sufficiently elucidated his resolutions relative to official and real value; and he would proceed to compare the imports and the exports. He might be told, that the price of the goods did not signify one farthing provided we got a proportionable increase in return. That might be true, to a certain extent; but he must remind the House of what he stated in the 17th Resolution:—" That it might be said, that the giving of increased quantities for a lower money nomination of value would not affect the nation, provided increased quantities were received in exchange, at equally diminished prices. But it must be perceived, that if this were the case, that giving increased quantities for increased quantities of foreign wines or luxuries at diminished prices, however advantageous to the consumers of those wines and luxuries, would be quite otherwise to those who, by their labour, and with reduced wages, produced those increased quantities. It would be seen, however, that no such equivalent had been obtained, comparing the imports with the exports. In doing which, both must be taken at official value, as the real value of the import was not stated." His argument was this—suppose that, instead of 100 bales of cotton, we had to give 150 bales, and got back as before 150 casks of wine; then it was the wine-drinker that got the benefit of a depreciation of price, while the cotton-dealer suffered by it to the like extent; so that here was a want of all reciprocity. Another point to which he must call the attention of the House was, the mode in which we received payment for our exports. Goods sent to New South Wales were paid for by Government bills, which, being payable in this country, gave us no external value for our manufactures. And so with respect to France, the amount of our invoices was paid by orders on this country. He had, at the conclusion of his Resolutions, shown the particular periods at which the great depreciation of value in this country had taken place; and he, therefore, contended, that he had sufficiently proved a depreciation in value, a falling off in trade, and no adequate substitute in the shape of returns; and he, therefore, was justified in saying, that these were adequate causes for much of the distress of the country. He was satisfied that something must be done with respect to the currency. He did not, however, ask the House to come to any immediate determination on the subject. All that he wished was, that the facts should be fully before the Members, in order that they might be able to form a correct judgment. Reference had been frequently made to the petition presented to Parliament in 1820, in which he found the following passage:—' That a policy founded ' on those principles would render the ' commerce of the world an interchange ' of mutual advantages, and diffuse an ' increase of wealth and enjoyments among ' the inhabitants of each state.' * * * * ' Revision of the restrictive system was, ' then, peculiarly called for, as it may, in ' the opinion of your petitioners, lead to a ' strong presumption, that the distress ' which now so generally prevails is considerably aggravated by that system, and ' that some relief may be obtained by the ' earliest practicable removal of such of ' the restraints as may be shown to be ' most injurious to the capital and industry ' of the country.'* And in the Report of the Committee granted on that petition, was the following statement;—' Your ' Committee are, however, sensible that at ' once to abandon the prohibitory system ' would be of all things the most visionary ' and the most dangerous. It has long ' continued—it is the law, not only of ' this kingdom but of the rest of the European world, and any sudden departure ' from it is forbidden by every consideration of prudence, safety, and justice. ' No sudden change is in the contemplation ' of your Committee, nor indeed the ' adoption of any change without the ' utmost circumspection and caution.' Again, in the debate on the Treaty of Commerce with France, in 1787, the then Marquess of Lansdown—a profound statesman, and particularly conversant with all matters relating to trade and commerce—said, "' What floated in his

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* Hansard (new series) vol. i. pp. 179, 181.

'mind was, to give article for article of 'all manufactures where the first materials 'were equally attainable—any momentary 'superiority being of no account. Some 'unreciprocal articles remained on both 'sides; wine, brandy, vinegar, and oil, 'on the side of France; and coals, lead, 'and tin, on ours. Theirs are luxuries 'which we can get elsewhere; ours are 'necessaries which they cannot get else'where to equal advantage. We had, 'consequently, a right to expect an equi'valent for both.'* 'We were wrong, in 'the first setting out, in suffering our sup'posed superiority in certain manufactures 'to be set for a moment against the solid, 'permanent advantages of France. France 'had, in her produce, four extensive ar'ticles of commerce—against which we 'had nothing to reciprocate, for it was 'ridiculous to listen to any argument in 'regard to our manufactures; they were 'transitory and fleeting. Nothing could 'be more precarious than an estimate 'founded on our present real or pretended 'superiority in this respect. Our boasted 'cottons were the growth of a day: we 'saw manufactures rise up almost instan'taneously.' * * * 'To talk, therefore, 'of the excellence of our manufactures, 'and of their superiority, was ridiculous, 'but the advantage in the produce of 'France was positive and eternal; as long 'as the earth endured it remained to 'France. Ought not the Ministers, then, 'to have claimed something in exchange?' * * * 'What had we done? We had 'stipulated for no one thing.'† In Dr. Brewster's Encyclopædia also, under the head *Political Economy*, he found the following admirable passage:—'If Govern'ment should propose, as an object, the 'advantage of any class in the nation at 'the expense of the rest, this class ought 'precisely to be the day labourers. They 'are more numerous than any other class, 'and to secure their happiness is to make 'the great portion of the nation happy. 'They have fewer enjoyments than any 'other, from the construction of society: 'they produce wealth, and themselves 'scarcely obtain any share of it—obliged 'to struggle for subsistence with their 'employers, they are not a match for 'them in strength. Hence the riots and 'combinations among workmen for ob'taining increase of wages. Their con'duct is often violent and tumultuous, and 'often merits the chastisement which it 'never fails to receive; but scarcely an 'instance occurs where justice has not 'been on their side. It is become neces'sary for every State to think first, not of 'the comforts, but of the existence of its 'subjects; and to maintain those barriers 'which have been so imprudently erected; 'an important part of the population 'might otherwise be cut off by penury. 'The discovery of mechanical arts has 'always the remote result of concentrating 'industry within the hands of a smaller 'number of rich merchants. Thus—small 'merchants—small manufacturers—dis'appear; and one great undertaker sup'plies the place of hundreds, who, alto'gether, were as rich as he. His expensive 'luxury gives far less encouragement to 'industry than the honest plenty of a 'hundred households, of which his house'hold supplies the place. The trade or 'manufactures of a country are not to be 'called prosperous because a small 'number of merchants have amassed 'immense fortunes in it: on the contrary, 'their extraordinary profits almost always 'testify against the general prosperity of 'the country. When the low price of 'workmanship arises from the poverty of 'the day labourers, forced by competition 'to content themselves with what is ne'cessary, or less than necessary, for life 'though commerce may profit by the cir'cumstance, it is nothing better than a 'national calamity. Surely none will 'maintain, that it can be advantageous to 'substitute a machine for a man, if this 'man cannot find work elsewhere, or that 'it is not better to have a population com'posed of citizens than of steam-engines, 'even should the cotton cloth be some'what dearer. When the savage hunter 'dies for want of finding game, he yields 'to a necessity which nature itself pre'sents; and to which he knew, from the 'beginning, he must submit, as to sick'ness or old age. But the artizan, dis'missed from his workshop with his wife 'and children, has beforehand lost the 'strength of his soul and body. He is 'still surrounded with riches—he still 'sees beside him, at every step, the food 'which he requires; and if society refuses 'him the labour by which he offers, to his 'last moment, to purchase bread, it is 'men and not nature that he blames.

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* Hansard's Parl. Hist. vol. xxvi. p. 561.

† Ibid. p. 576.

'Even when persons do not actually die 'of hunger—even when the aids of charity 'are eagerly administered—discouragement and suffering produce their evil 'effects—the diseases of the soul are 'communicated to the body—epidemics 'are multiplied—children die in a few 'months after birth—and the suppression 'of labour causes more cruel ravages than 'the cruellest war. Another course is 'given to trade—another direction to 'fashion—and, even after death has cleared 'the ranks of workmen, those who remain 'are no longer in a condition to support 'the competition of foreigners.' This extract seemed to him to be founded in good feeling; but, he must repeat, that the removal of taxation would not be sufficient—labour must find its proper support; and unless they could put the labouring classes in a different position, they would do no good. The money that had been taken out of circulation would be sufficient to give them food and comfort. Formerly the labourer used to earn 15*s.* a week; at present, even when employed, he could only get 10*s.* Let him not be told that 10*s.* now are as much as 15*s.* were formerly; the man of 1,500*l.* a year would think it very hard if, on the same principle, his income was to be cut down to 1,000*l.* a year; and why, therefore, were they to deprive the poor man of all chance of the comforts of life? He had only, in conclusion, to apologize for the length at which he had addressed the House, and move the several Resolutions which he had already read to the House.

Mr. *Poulett Thomson* thought, that it would best suit the convenience of the House if he declined following the worthy Alderman through his lengthened statement. He presumed that the chief anxiety of the worthy Alderman was, to put his Resolutions on the Journals of the House, and so to give them circulation, though that was not the first, the second, or the third time, that he had brought this subject before the House. The worthy Alderman said, that he had been replied to, but not answered. He was satisfied that the general opinion of the House was against the hon. Alderman. The worthy Alderman had also said, that his Resolutions contained nothing but facts, and that he had abstained from all opinions; but though, in the Resolutions, there were many figures from official documents, yet there was also a series of opinions, professing to be founded on those figures, and in which, he thought the House would hardly agree; for instance, he would ask whether there was any means of arriving at the value of our exports, as stated by the worthy Alderman in his 7th Resolution? In his 18th Resolution, also, he stated that the deficiency of our imports, as compared with our exports, was 22,000,000*l.* How was that calculation made? Was it on the official value? [Mr. Alderman *Waithman:* Yes.] Then there lay the worthy Alderman's mistake, for it was a mistake to think that the official value showed, in any degree, the money value of the exports; and, consequently, the whole of his theory was founded in error, if he had taken the official value for anything that had to do with the real value. He, therefore, put it to the House, whether they could receive this document, and solemnly record their approbation of it? Whoever looked to the official rates, even as evidence of quantity, would not be perfectly accurate, because different rates were taken for different commodities. Another objection also was, that things came into this country paying no duty, and, being re-exported, immediately acquired a different value. The worthy Alderman might say that this applied only to his official value; but his actual value was no safeguard whatever. In comparing the year 1819 with 1830, the worthy Alderman had forgotten that our chief exports consisted of manufactures which had been previously imported, as raw material; and had he taken into consideration the difference of the price of that raw material? For instance, the price of cotton was, in 1815, 2*s.* a pound: it was now only 6*d.* or 7*d.*: and did not that show that the relative value of the manufactures might have materially diminished? He did not, however, consider it worth while to argue this question over and over again. He was sure that the House, while giving due credit to the worthy Alderman for the pains he had taken in preparing these Resolutions, would be satisfied that it was not advisable to give their sanction to the document. One word as to the question of poor-rates. In the first place, he had to say, that the documents from which he had quoted were on the Table of the House. And further, if any one would take the trouble of examining these documents, he would find that his statement respecting them was perfectly correct. Under these circumstances, he should content himself with moving the previous question.

Colonel *Torrens* was inclined to attribute the confusion in the hon. Alderman's views and statements to his not having formed to himself any distinct conception of what was meant by official value and real value. Official value was only another name for quantity; real value was only another name for price. Since the year 1808 the quantity of British goods exported had more than doubled, while the price of this double quantity was now less than the price of half the quantity formerly had been. This was the simple fact, as shown by the official returns upon the Table of the House; and this fact, perfectly intelligible in itself, was rendered perplexed by the maze of figures in which the worthy Alderman had involved it. The value of the precious metals in relation to the commodities we exported had doubled since the year 1819, or in other words the prices of British goods exported had fallen fifty per cent. This was the fact, and it was not difficult to explain the manner in which it had been brought about. In 1819 the difference between paper and gold was about five per cent., and consequently, when the paper was brought to par with gold, the currency rose in value from this cause to the extent of five per cent. But many other and more potent causes were brought into operation. By the return to cash payments, a new demand for gold, to the amount of from 25,000,000 to 30,000,000 was created, while the contemporaneous changes from paper to metallic currency, which were effected in Russia, Austria, Denmark, and the United States, occasioned a still further demand for the precious metals to the amount of 25,000,000*l.* The whole of the increased demand for gold could have scarcely been less than 50,000,000*l.* sterling. But all the gold supposed to exist in the commercial world was only 500,000,000*l.*; while the annual supply, before it was reduced by the troubles in South America, was stated by Humboldt to be 1,600,000*l.* Now, if there had been no diminution in the annual supply of the metals, the increased demand for them for coin, would have materially enhanced their value. But, while the demand increased, the supply diminished. The civil wars in South America suspended the working of the mines, and by the dispersion of the miners, and the destruction of machinery and other fixed capital, rendered many of them wholly unproductive. Instead of obtaining supplies of the precious metals from South America, we for some time actually exported specie thither. From these co-operating causes the value of gold throughout the commercial world had advanced, or, in other words, the prices of commodities had fallen. Mr. Tooke, in his able work on high and low prices, has shown that a great proportion of the fall in the price of commodities has been occasioned by the increased facilities of production, and the larger quantities in which commodities have been brought to market. But this fact does not disprove a rise in the value of currency; on the contrary, it shows another cause of that rise. Value is relative, and a rise in the value of gold, as compared with other articles, may be occasioned either by increasing the cost of obtaining the metals, or by diminishing the cost of obtaining other articles. The facts brought forward by Mr. Tooke in his elaborate and very able work, go to establish this, that the value of the precious metals has been enhanced by a twofold cause. These causes of the rise in the value of the precious metals were common to the whole commercial world; but other causes, peculiar to this country, had contributed to reduce the price of British goods. Whatever might be the advantages of free trade, and of reducing the duties of Customs on the importation of foreign goods, these advantages were in some degree counterbalanced by an enhancement in the value of money, and a general fall in the prices not merely of the goods imported, but also of British goods. On this principle the reduction of taxation should commence with the duties of Excise and not with the duties of Customs, except with respect to the necessaries of life, upon which no duty should be permitted to exist, and gold and silver were, to all intents and purposes, admitted duty-free; therefore, in proportion as they reduced the import duties on other commodities, the more they changed that relation between gold and silver and other commodities, which might be expressed by saying that the untaxed (gold) could procure less of the taxed (other imports) in proportion to the amount of the tax—in other words, gold could obtain more of the commodity, and by that additional quantity the price of the commodity might be said to fall;

or, if they preferred the correlative, by so much might the standard of the currency be said to rise. And yet this important fact, like the other, the increased value of the currency, owing to the causes he had specified, had been wholly overlooked by the advocates of free trade principles, though it was obvious they had only to be stated to be at once recognised. There were other errors which he would take an early opportunity of exposing with respect to free trade principles. He need not say that he was an advocate of free trade, but he denied that its official promulgators had seen or even now saw the whole of the question. They said, for example, it mattered nothing whether another country took from us our commodities for theirs or our money, because, say they, we must send our commodities somewhere else in order to procure that money. Now the error in this case sprang out of another of still more universal acceptation; namely, that great maxim of the Ricardo school of economists, that as the value of a commodity in the home market depended on the cost—the labour—of production, so must it be in a foreign market. He would maintain, that though this principle was true of domestic policy, yet that it was not it that regulated the exchangeable value in a foreign market. What we received in return for our goods in foreign markets did not depend on the cost of producing those foreign articles, but on the demand that existed in the foreign market for our commodities. To the extent of that demand every country supplied itself, but it could not be increased but on one condition, which involved the whole question of our advantage; namely, that we gave them our goods at a diminished price. If they applied this principle to the case of our trading, say with France, they would see that all the advantages which the advocates of free trade had predicted could not be realized but on terms of perfect reciprocity. If France required our money instead of our goods for her commodity, we could only obtain that money by giving our goods to—say the South Americans, at a reduced price—for otherwise, on the principle of supply and demand, which he was contending for, South America could not take a greater quantity of British goods unless they were offered at a reduced price. Suppose that France takes from us 1,000 bales of muslin in exchange for wine, while America takes 1,000 bales in exchange for gold, then we get our supply of wine and gold for 2,000 bales. But should France, as is the fact, refuse to take our muslin and require gold, then we must send 2,000 bales to America instead of 1,000. This would necessarily reduce the price of the British manufacture in the American market, and 2,000 bales would no longer procure us the same supply of wine and of gold as before. On these principles, he contended that it was an error in our commercial policy to encourage the import of wine from France, which would not take our goods in return, and to discourage the wine trade with Portugal, which opened her markets to British fabrics. Much of our financial and commercial policy required not merely to be reformed, but to be reversed.

Mr. *Robinson* did not agree with the worthy Alderman as to his Resolutions, for it was impossible that the House should pledge itself, by adopting those Resolutions to many doubtful points requiring much patient inquiry. He was glad that the opponents of the free trade policy of Mr. Huskisson and his successors, could count the hon. member for Ashburton (Colonel Torrens) among their allies. That policy had been pushed to a ruinous extent, and though Ministers had refused inquiry, he was sure that a Reformed Parliament, would not sit for many weeks, before it resolved to investigate the subject.

Mr. *Hume*, in opposition to the hon. Member, would contend, that Mr. Huskisson's policy was the best that could be pursued, so far as it went; the just complaint was, that it did not go far enough. He differed from the hon. member for Ashburton as to the disadvantages of a circuitous trade with a country which would not take our goods in return; for it was all the same to us to whom we sent our goods, so as we obtained what we wanted —the produce of other countries.

Mr. *Courtenay* would merely observe, that the supposition that Mr. Huskisson and his followers had always referred to the official value of commodities, as a test of prosperity, was a mistake. The increase in that value had been referred to, even in the King's Speech, as a proof of the activity of our commerce, but not as indicating its prosperity. The worthy Alderman was quite mistaken in assuming that value as any thing but a test of quantity. It was taken considerably higher than the real value on several articles, such as cottons and woollens of large consumption, and the difference was sufficiently great to account for the excess of official over actual value, last year, to the amount of 13,000,000*l*. He would not then hazard an exposition of the fallacy of the hon. member for Ashburton's reasoning, but should take advantage of the first convenient opportunity, to show that he was in error as to his premises, and consequently, as to his conclusions.

Sir *Richard Vyvyan* said, the hon. member for Middlesex now argued against the arguments he had used in 1828 respecting India. Upon that occasion the hon. Member contended, that to place India under such restrictions as to oblige her to give bullion for our produce was most injurious to that country, and yet the hon. Member now said that it was no injury to this country to compel it to pay bullion for the produce of France. He was decidedly of opinion that the late Parliament had looked rather to the interests of the capitalists than of the laborious and industrious classes. They were told that they were about to enter upon a new system, but he could not but remark, that those who were now in the full stream of popularity had been the greatest opponents of all inquiry into the state of the country. Many who had opposed the Reform Bill, because they thought it injurious to the country, and had lost their seats for so doing, had been among the most active and zealous in endeavouring to forward the interests of the people. He mentioned those circumstances because it was right that the country should know what were the facts, and who were truly its friends. The people had been led to believe that the supporters of the Reform Bill were their best friends, although many of those hon. Members had opposed all inquiry, and advocated the cause of the capitalist against that of the people. He hoped those remarks would go forth to the country, for it was but right that Members, who, like the hon. member for Aldborough (Mr. Sadler), had laboured for the amelioration of the labouring classes, should have their conduct justly appreciated.

Mr. *Hume* defended what he had said on a former occasion, by observing, that India was not like France, an independent country, but was one of our possessions, and suffered considerably by being obliged to send us bullion, not in exchange for our goods, but as tribute — a circumstance which completely rendered consistent the observations he had before made and those which he made now. With respect to France, he should take that opportunity of saying, that every shilling's worth of French goods that came into the country took out a shilling's worth of English goods, either directly or indirectly, and so far was a benefit to the country.

Mr. *Hunt* said, there never would be any good done to the country till the Corn laws were removed, and rents and taxes were reduced. It was cruel to admit a free trade in the luxuries of life, when a free trade in the necessaries of life was refused.

Mr. *Attwood* wondered how the hon. member for Middlesex could ask for any particular favour to be shown to India, at least if he had any sincere belief in the doctrines that he sometimes professed in that House. The hon. Member often told them, that England sent out her manufactures all over the world to seek for bullion: and having bought it by her manufactures, she then sent it to France to purchase the produce of that country; so that it was the same thing in the end, as if she had sent her manufactures to France in exchange for French produce. Now, if that argument was true with respect to England trading with France, it must be true with respect to India trading with England; and consequently, if England was not injured in the one case, India could not be injured in the other, and no change could be required. He (Mr. Attwood), however, did not agree that it was true with respect to France and England; and he insisted, that the state of things was such now as to require immediate attention from the Legislature.

Lord *Althorp* must say, that he thought the hon. member for Middlesex had sufficiently defended himself from the charge of inconsistency, by referring them to the fact that India was tributary to this country, and was not an independent nation trading with us, but a country paying a large part of her bullion to us in the shape of tribute. The hon. Member opposite then raised the question of sending our manufactures all over the world to get bullion, and afterwards paying that bullion to a neighbouring country for her goods. Now, if the expense of procuring the precious metals ultimately fell upon the country selling the goods that these metals purchased, and not on the country that procured the metals and bought the goods, it was evident that the latter would be carrying on the more advantageous trade. The question, therefore, came round to this —Which of the two countries did in the end pay for the expense of procuring these precious metals? If that question were fully examined, he rather thought it would appear, that the expense did not fall as a loss upon the country procuring the metals in the way he had mentioned. He gave the hon. Alderman great credit for the attention he had shown to this subject, but could not agree with that hon. Member as to all his conclusions. If two hon. Members, starting from exactly opposite principles, yet arrived at the same conclusion, that fact would show, that what they both agreed on was worthy of the consideration of the House; but he much suspected, that the hon. Member and the hon. and gallant Member would not be found to agree together. Indeed, he believed the results to which they came would be seen to be quite different from each other. What, then, did the hon. Alderman require? He required the House to give a sanction to certain opinions embodied in the Resolutions he had produced. Now, there was, perhaps, hardly one Gentleman in that House who would wish to pledge the House to all those opinions; and, under all those circumstances,there seemed to be no course left but that of supporting the previous question.

Sir *Charles Forbes* took that opportunity of complaining that India was not well treated. She was too highly taxed. Her produce ought to be admitted here almost free of duty, and ours ought to go out to India equally free from taxation. India had long been drained of her bullion for the use of this country, and she could stand the drain no longer. Within the two last years, no less than three millions sterling had been sent here from India. That system could not continue. In every part of the country that was under our Government, the situation of the native Indians was worse than it had been under that of their native princes. They, in fact, were longing to be back under their ancient princes. He thanked the right hon. Gentleman opposite (Mr. Poulett Thomson) for the reduction of duties he had made on certain Indian commodities; that would do a great deal of good; and he only regretted it did not go further. By reducing the duties still more, he was sure no injury would be done to the West-Indian property. He should, in conclusion say, that the praise bestowed by Mr. Canning on the gallant Officer (Colonel Torrens) on entering the House, had that night been proved to have been well bestowed; and he must express his belief, that it would be well for the country if the doctrines the gallant Officer advanced were more attended to.

Mr. *Gally Knight* said, that he perfectly concurred in the opinion expressed by the hon. Baronet who had just sat down, that, in all future measures with regard to India, they ought principally to direct their attention to the promotion of the happiness, the instruction, and the prosperity of the natives; but this was not the point to which he desired to advert. The only point relating to the vast subject which had been introduced by the worthy Alderman, upon which he should presume to say a word, was, the effect which the promulgation of such doctrines as had been promulgated by the worthy Alderman was likely to have upon the minds of the industrious classes; for it appeared to him that nothing could be more pernicious than to impress the industrious classes with erroneous ideas of the causes of the distress under which they laboured, and to impress them with the belief, that a vote of that House could set all to rights in a moment. He was far from meaning to say, that such was the design of the worthy Alderman; on the contrary,he gave him full credit for his disinterested motives and patriotic intentions,but such a mischievous delusion as the one to which he here alluded was, he feared, too likely to result from the course which the worthy Alderman had adopted this evening. What was the real end and aim of the worthy Alderman's statements and assertions? What, but that which he did not venture openly to proclaim—the depreciation of the standard, and the extinction of free trade? He would not deny that distress had existed since the new system was introduced, but there was no more common error than to assign as a cause, that which had only preceded. There might be a bad harvest next autumn, and it will have been preceded, but will it have been caused (though, if it should be so, he dared to say there would not be wanting persons who would say that it had been caused) by

Parliamentary Reform? and yet Parliamentary Reform would have as much to do in the one case, as free trade in the other. He was not going to enter into the general question. The principles of free trade had been sufficiently vindicated on former occasions. He recollected no occasion on which the opponents of the system have opened their fire, when their batteries had not been silenced by as provoking replies of facts, and figures, and documents, as ever overwhelmed incautious assailants. All he wished to suggest was, a few of the various causes which might interfere with commercial prosperity, and might create commercial distress, though the commercial system itself be conducted, as he contended it was conducted at present, on the soundest principles. Could any system prevent the proverbial vicissitudes of trade? Could it prevent the fluctuations of foreign demand? the effects of home competition? Could it prevent the consequences of the increased power of production, or of the voluntary error of over-production? Was the system to be charged with the calamities which proceeded either from unwise speculations, or from the migration of capital? And yet any one of these causes might produce distress to a great amount. Even a change of fashion might throw towns and districts out of work; but could they prevent the changes of fashion? Should they prohibit the use of cotton gloves; and, if they did, would trade flourish the more? These were a few of the ruinous causes which were in continual operation; it was these which, under the very best system, might produce, and would ever produce, an abundance of individual, and of local and temporary distress. But where would be the advantage of continually altering general laws to meet particular cases? What would be the consequence of our saying to the capitalists, "You shall never remove from the scene where you first begin your operation; you shall remain in Spitalfields; you shall not go to Manchester or Leeds?" Would not such legislation be as futile, as it would be barbarous and absurd? Again, if to favour the silk mills of Macclesfield, they were to surround the island with the brazen wall of prohibition, should they be doing good or harm to the whole community? Would the loss of foreign trade be no detriment? Would the migration of British capital to other countries (and such would be the inevitable consequence) be no evil? For the hundreds whom we might benefit, should we not injure hundreds of thousands? Would not the clamour which the alteration might allay, be succeeded by an outcry far more general, far more loud, and far more just? He was anxious to make these few observations, because he was aware that the Reform Bill would give a great increase of influence to the manufacturing towns; and, unless the people were rightly informed on these particulars, a formidable power might be directed to promote objects which, eventually, would not be advantageous to the people themselves. The great towns might combine. "Assist us this time," it might be said, "and we will assist you next time;" and, by these means, it might happen, if the people were left in error, that one of the first exploits of the reformed Parliament would be an attempt to effect the destruction of the free trade; and this, he should regret to see, not only on account of the harm that would ensue, but also on account of the legitimate triumph it would afford to the opponents of Reform. He was also anxious to make these observations, because his belief was, that in a country so highly commercial and manufacturing as this, distress must necessarily exist somewhere, at all times. There would always be local distress, and general inconvenience at periodical intervals—this they must expect—cycles of prosperity, and cycles of depression; and, if the people were not rightly informed on these subjects, they would be constantly exposed to being made the gulls and tools of interested demagogues. Men who had words at command would at all times have the opportunity of exciting and inflaming a deluded multitude—or placing before them some frightful picture or other of local distress, which would occupy a larger space than it ought on the convex of imagination—which might morbidly excite the public mind. And what would be the result? Why, that the industrious classes would often believe that the fault lay in the Government—perhaps in the form of Government—when the grievance was, in fact, one which no Government, and no form of Government, could by possibility avert. And what would be the result of this continual dissatisfaction with the Government of the country? Why, the next step would be, desire of change—attempt at change—yet in what manner would trade and commerce be relieved by this alteration? In what manner was the trade and commerce of France relieved by the first revolution? In what manner had they been affected by the second revolution—a just revolution—a bloodless revolution? Why, at that moment, trade was languishing in every part of France, and the chief employment of the National Guard was to keep down the operatives who were out of work, and whom they knew to be starving. He repeated, that there was nothing more pernicious or cruel, than to mislead the industrious classes on subjects so immediately connected with their interests. He repeated that, in so highly a manufacturing country as this was, there would always be local distress; and, under those circumstances, was it not their bounden duty, instead of misleading the people, to tell them the truth, and endeavour to make them perceive that all that any Government could do was, to put them in a good course, and that the rest must be done by themselves? It was not because he was insensible to the distress of the industrious classes, that he expressed these opinions. On the contrary, he would do anything in his power to assist them. But he said this, because he knew that it was only by their own prudence, by their own forethought, by habits of regularity, and by putting something aside against a rainy day, that they could ever be secured from, at least, the occasional pressure of want. It was because he thought that the adoption of the Resolutions proposed by the worthy Alderman, would rather tend to disturb and mislead the public mind than provide any relief, that he felt himself compelled to support the previous question.

Mr. Alderman *Waithman*, in reply, expressed his astonishment that observations like those of the hon. Member near him (Mr. Gally Knight) could have come from a Reformer. Reform would be useless, if its effects were not to remedy the grievances of the people. The hon. Member spoke of the Resolutions as mischievous; as if taking notice of the people's distress, and encouraging them to rely on the Legislature, were more likely to produce discontent, than the distress itself, and the refusal to make any inquiry into it. In his opinion, the great distress which existed among the labouring manufacturers of this country, made it incumbent upon Parliament to institute an inquiry into its causes.

Resolutions negatived.

Bank Charter.] Mr. *Gisborne* presented a Petition from the City of York, respecting the state of the Currency. The hon. Member stated, that he had several similar Petitions in his possession, and the House was aware that he had also a motion on the subject of the Bank Charter and Currency, which stood for that night. With a view, however, of saving the time of the House, he begged to put a question to the noble Lord near him, as the answer which the noble Lord gave would determine whether he should, at the present moment, bring forward his Resolutions upon the subject. He wished to know from the noble Lord (the Chancellor of the Exchequer) whether it was probable that any measure, founded upon the labours of the Bank Charter Committee, would be submitted by Ministers during the present Session of Parliament?

Lord *Althorp* said, when he brought forward the proposition for the appointment of a Committee on the subject of the renewal of the Bank Charter, he certainly did so with a sanguine expectation that the question would decidedly be introduced during the present Session of Parliament; but the course that the examination of the evidence in the Committee had taken, had diminished the expectation which he had previously entertained. The subject was one of very great importance undoubtedly, and it was essential to have the question set at rest as early as possible; but, great as the inconvenience of delay in setting this question at rest might be, a much greater inconvenience would be felt were it to be terminated without a full inquiry into the whole subject.

Mr. *Gisborne* trusted, that he should not be precluded from bringing forward his motion, should a measure be introduced by the noble Lord in the course of the Session.

Lord *Althorp* said, it was not very likely, at this advanced period of the Session, that he should submit a measure upon the subject to the House.

Mr. *Gisborne* observed, that perhaps the noble Lord would afford him an opportunity of presenting his petitions upon the subject, and of submitting a motion relating to it, should hereafter any measure be submitted by Ministers.

Lord *Althorp* said, in that case, he certainly would acquaint the hon. Member in time with his intentions.

Mr. *Gisborne*, in that case, would not press the motion of which he had given notice; and would, with the permission of the House, withdraw it.

Motion withdrawn. *(See Appendix).*

Case of Alexander Somerville.] Mr. *Hume* said, the Motion which he had then to bring forward was upon a subject which appeared to him of very great importance. Ten days ago he presented a Petition to the House, complaining of the punishment inflicted upon a private in the Scotch Greys, of the name of Somerville, under circumstances, certainly, which were of a singular nature, and involving an important question, deserving the attention of the House; a question not less than this—whether an Englishman, becoming a soldier, was to be deprived of all his rights as a citizen? He had always considered that a soldier never lost his rights as a citizen by becoming a soldier. Now, it appeared to him, that had not Somerville written to the Editor of *The Weekly Dispatch*, a letter, stating certain opinions, he would never have met with the punishment which was inflicted upon him. Somerville was a gardener by trade, and about four months back, enlisted into the Scotch Greys. Up to the period to which he had been charged with improper conduct, no complaint had been urged against him. He had regularly attended drills, and had conducted himself so as to insure the same treatment which others of his comrades experienced. The hon. Member here read a passage from the letter, which appeared in *The Weekly Dispatch*, and said, that when the newspaper containing that letter reached Birmingham, some inquiry was made as to the author. Somerville, being questioned upon the subject, immediately acknowledged that he had sent the letter. He was desired, although only a recruit, to ride with a class which he had never been called upon to ride with before. The hon. Member read an extract of the account given by Somerville, of his conversation, with Major Wyndham, showing that the Major was very much displeased with the man for writing the letter. The horse upon which he mounted was raw, and required a skilful rider, and Somerville could not accomplish it. He disputed with the person who was in the school at the time, and, on being desired again to mount, he would not. This certainly was a breach of duty, but not deserving the heavy punishment with which it was visited. The statement which he (Mr. Hume) made was authentic, and capable of being substantiated on oath. When the regiment was drawn up in the riding-school to witness the punishment of Somerville, Major Wyndham addressed them for upwards of a quarter of an hour, on the heinous offence of writing such letters. Now, it was a usual course to address soldiers about to be punished, on the magnitude of the offence of which they had been convicted; but, in this instance, Major Wyndham harangued the regiment, for upwards of a quarter of an hour, upon the wicked libel which Somerville had written, and upon the impropriety of a soldier's expressing political opinions, and giving encouragement to the mob; but he said little or nothing about the heinousness of the offence which was nominally the cause of the punishment which the regiment was called out to witness. Now, when the House took into consideration, not only that the political offence, or what was said to be a political offence, was the theme of the commanding officer's address to the regiment; and that in a conversation, which that officer (Major Wyndham) held with Somerville, previous to the court-martial, related altogether to the "libel," excepting only the one allusion to the situation to which the soldier had got himself, and which also was connected with the political offence, by the Major's adding, "that it would make him repent of what he had done"—that is, of writing the letter. From all these facts, it was impossible not to see that the man was, in reality, punished for the expression of his political opinions, and not for the alleged breach of discipline. But there were still other facts, which proved beyond all question, that the breach of discipline was laid hold of as a pretence for punishing Somerville. On the very day after the flogging of that man, a private, called Andrew Scott, flatly refused to go to the school. Well, was he flogged? No such thing. The only punishment was confinement to the yard for twenty-four hours, and the being kept to the barracks for another day. He (Mr. Hume) begged the House to consider the difference between the two cases. Here was Scott refusing, in defiance of all discipline, to go to the school at all, or attempt to perform his regular exercise, on the day after Somerville had been flogged for refusing to do what he had vainly attempted to do; the latter being a recruit, and his removal into a higher class, and his being ordered to ride an untrained horse, having all taken place within a few hours after he acknowledged himself to be the writer of the letter to *The Dispatch.* If his refusal was so deserving of punishment, why was the more culpable refusal of the other man (who had the example of the previous day's punishment before him) passed over with comparatively no punishment? If Scott believed that the punishment of Somerville was really inflicted for his refusal to do what he had attempted to do, and found to be impossible, would he (Scott) venture to refuse making any attempt, or even going to the school? Assuredly not. It was plain from his conduct, that the regiment very well understood that the letter was the real offence. A strong corroboration of this was, that on a few days after the flogging, some officers of the regiment attended the theatre, and received some marks of disapprobation from a part of the audience; and, in the course of that evening, some of the privates got into a squabble with the towns-people, in consequence of what took place in the theatre. The soldiers, being intoxicated, returned at a late hour to the barracks, with their clothes torn, and in such a condition, as would in a strict, or at least in a very severely-disciplined regiment, subject them to punishment. However, although their conduct was much more disorderly than Somerville's, they were not punished. Yet such was the severity with which that man was flogged, that although the punishment was inflicted so long as seven weeks ago, and he had received only 100 lashes, he was still confined to the hospital, and was in a bad way. The treatment which he had experienced since the flogging, was a great aggravation of the punishment. His removal from Birmingham to Coventry, on account of the feeling which was expressed towards him in the former town, had retarded his recovery. Was such a case to be passed over by that House? Was it to be allowed that a man should be treated in such a way for the expression of his political opinions? He had always understood the constitutional doctrine to be, that a private soldier was not only to think for himself on such questions, but that he was actually bound to know the law, and to refuse to obey his officer in doing an illegal act. He had known many instances in which privates were tried for their lives, for having acted upon the illegal orders of their officers. But it would be absurd to say, that a private could be responsible in such cases, if it was to be held that he should take his political opinions from his officers, and that he was liable to be punished for thinking for himself on matters in no way connected with military discipline. The hon. Member then read a passage from Blackstone, to show that, in free States, a man, so far from losing the rights of citizenship by becoming a soldier, was to be considered as having become a soldier, "that he might continue to be a citizen," and protect the rights of himself and his fellow-citizens. But, he would ask, in what was the conduct of Major Wyndham to this soldier Somerville consistent with that doctrine? If such conduct was to be tolerated by the executive, and passed over by that House without reprobation, then the British soldier must henceforth be considered, not as a citizen, but a slave. What the consequence was to be, he should leave to the Secretary-at-War to consider. But if the doctrine was to be admitted in respect to privates, why should not the same rule be applied to officers? But he knew many Officers in that House, who were in the habit of expressing their political opinions very freely, and not only in that House, but in places where their privilege of Parliament could not be pleaded to protect them, and he would put it to the Secretary-at-War, whether, if it was to be the law that privates should be punished for political opinions, certain Officers—hon. and gallant Members of that House—should not be flogged for expressing their political opinions in the strong language in which they sometimes indulged. He wished some hon. Member connected with the law or the army, would inform him whether such was to be the law, or Blackstone was right? If Blackstone was wrong, then he would say, that it was most dangerous to the liberties of the British people, that there should be in this country so many thousands of armed men entirely subject to the tyranny of their officers, and bound to obey their commands implicitly, and to take their political opinions from them. That was a state of things which ought not to be allowed. [Sir *Charles Wetherell:* Hear, hear.] He would tell the hon. and learned Gentleman, upon the authority of Blackstone, that a standing army, ruled under such doctrine, could only be suffered under a despotic Government; and if the hon. and learned Gentleman would assure him that such was the received doctrine at present, he (Mr. Hume) trusted that the next Parliament would place the law upon such a footing that, if there was to be a standing army, the soldier should not cease to be a citizen. When he last spoke in that House upon the case of Somerville, he abstained from pressing any motion at that time, because he understood that the right hon. the Secretary-at-War had not yet received any information; and he hoped that, by postponing the Motion, the right hon. Gentleman would be enabled to explain the circumstances, and to state what were the views of his Majesty's Government upon the whole transaction. There were now two courses open for him (Mr. Hume) to pursue. One was, to move for the appointment of a Committee of the whole House, to inquire respecting the legality of punishment inflicted upon a soldier by sentence of court-martial for the expression of a political opinion; and that evidence should be heard at the Bar of the House: for, although this was but a solitary case, yet it involved a question which concerned the rights of the whole people, and affected the liberties of every individual. But that was a course which it might not be necessary to adopt, and there was another which he thought might answer the purpose. He should move for a copy of the accusation against Somerville, of the minutes of the court-martial, and of the sentence; and the report of the commanding officer as to whether the whole sentence was carried into effect. This Motion would enable hon. Gentlemen opposite, connected with the War Department of his Majesty's Government, to explain the real nature of the circumstances connected with the punishment of Somerville, and to show whether or not that soldier's statement of his own case was correct. From this explanation he should be able to determine whether it might be necessary for him to found any other motion upon the papers for which he now moved. But he should reserve to himself to consider whether or not he should take some ulterior step to ascertain what was the opinion of the Government respecting the interference of a soldier's military duties, with his political rights. He concluded by moving for the Return of Papers (which he had already described) relating to the Trial and Punishment of Private Somerville, of the 2nd Dragoons.

Mr. Hunt seconded the Motion.

Sir *John Hobhouse* said, that he was never more taken by surprise in his life than on the present occasion, for he had not the least idea that such a motion as the one before the House would have been brought forward, and he could not help thinking that a regard for the courtesy which prevailed even among political opponents, to say nothing of those who, for many years, had been engaged in the same cause, should have induced the hon. member for Middlesex to give some intimation of the course he intended to pursue. But, it appeared, that the hon. Member himself hardly knew the course he should follow, having so recently decided on one of two modes of procedure which, he stated, were open to him. With respect to the first plan, it was unnecessary to touch upon it, as it had been abandoned. The hon. Member had contended, that a man by becoming a soldier did not lose his rights as a citizen. He did not know that any one had asserted an opposite opinion; the proposition, therefore, not having been laid down upon one side, he could not see the necessity of combatting it on the other. The difficulty he felt in replying to the statement lay altogether on its being founded upon that of which they had no parliamentary cognizance. The hon. Member held a private document in his hand, which he described to be so authenticated as to justify their consent to the production of the documents for which he had moved. If this were assumed to be a correct mode of proceeding, the only thing any hon. Member would have to do would be, to make a number of charges, and say, "If you have anything to produce against these charges, you will agree to an inquiry." He had no hesitation in saying, in the case in question, he had felt it his duty to call for the proceedings of the Court Martial, and he had not found in them the slightest mention of what had been adduced by the hon. member for Middlesex. He should be greatly shocked if, at this or other times, a soldier, who was alleged to be punished for one offence, was, in reality, punished for another. There was no man—no Member of Parliament—no Englishman, who would be found dishonest enough to defend such a proceeding. He looked, however, to the proceedings of the court martial upon the one hand, and he found not the slightest allusion to the speeches said to have been made by Major Wyndham, or of any offence relating to a newspaper; he looked, on the other hand, to the fact stated by his hon. friend, that speeches were made before, and at the time of the punishment, which showed that the real offence committed by this man was not the having been guilty of disobedience of orders, but the having participated in political opinions which his hon. friend said was not a disgrace, but was, in fact, an honour; and, looking at these circumstances, and seeing nothing of this kind upon the proceedings of the court-martial, how was it possible for him to give credence to the statement which had been communicated to the hon. Member? How could he on *ex parte* statement suppose—nay the supposition was not enough—take it for granted, that an officer high in command, a gentleman of rank and station, at the head of one of his Majesty's regiments, ordered a soldier to receive a punishment—as his hon. friend characterized it, an extremely severe one—for an alleged offence, when the real cause of his punishment was, the having delivered a political opinion? It was fortunate for him, at least, that his hon. friend had not, on this occasion, at all taken into consideration the question of punishment of this description. That left him quite at liberty to deal with the question entirely on its own merits, and he would appeal to any hon. Member whether he could be expected to accede to the Motion thus introduced, without any notice. Considering that, in his situation as Secretary at War, it was necessary for him to consult the military authorities with whom he acted, surely it would have been but fair in his hon. friend to have given him notice of his Motion ere he laid it before the House. He did not know whether there existed any particular objection to producing the proceedings of this regimental court-martial. He believed that a soldier had a right to call for the minutes of general Courts; but he was not aware that he had this right with regard to a regimental Court. There was, he repeated, nothing whatever in the proceedings of the Court to justify any appeal on what had been admitted to be an *ex parte* statement. As to the measure of punishment, whether it had been excessive or not, he was not called upon to deliver an opinion. The question was, whether sufficient grounds had been shown for laying the proceedings of the court-martial before the House. Had notice been given, he should have consulted with the usual authorities, and should have known the line it was proper to pursue. On the first glance, he did not think there was any precedent to authorize the production of the proceedings. He was not, at the same time, aware of any objection to bringing them forward, except that the House had hitherto been extremely chary of interfering in matters of military discipline. Of course, where there had been any excessive exercise of the prerogative vested in military officers, the House had a paramount authority, as it had in all cases the right to call for such inquiry as it might deem necessary. But his hon. friend had proceeded on one ground, and the court-martial on another, and he could not believe it possible that any colonel of a regiment would do such a thing as that which had been set forth to the House. He would ask, if any Gentleman who heard him had ever known of such transactions?

Mr. *Hunt:* Yes.

An *Hon. Member:* Several - - many, many.

Sir *John Hobhouse* said, that he did not recollect to have heard of such cases, and that the grounds upon which he had always opposed flogging in the army were quite independent of any oppression that might be committed on account of political opinions. He had only to repeat, that he could not accede to the Motion, as he had not had notice of his hon. friend's intention to make it.

Sir *Charles Wetherell* would support the right hon. Gentleman, the Secretary at War, in his opposition to the Motion. He thought that the hon. member for Middlesex had preached a most extraordinary and unconstitutional doctrine. He knew nothing of the case, but what he had picked up from the speech of the hon. Member himself. The private, Somerville, had been tried for a military offence by the competent tribunal; and the complaint made was, that that tribunal was influenced by the circumstance of his having previously done something which was supposed to amount to a political offence. But if there had been anything improper in the conduct of the court-martial, the proper mode of appealing against the decision of the Court was, by an application either to the King himself directly, or indirectly through the Commander-in-chief. But if that House were to constitute itself into a Court of Appeal from the military Courts, it would, in fact, place itself in the position which was taken by the House of Commons in the time of Charles 1st, when it assumed the command of the army. At the same time, no man would deny, that the House had the power of interfering, if a case of abuse should have been clearly established against a military Court, or against any other Court. But as no case had been made out by the hon. member for Middlesex, he hoped that Gentleman would see the propriety of withdrawing his Motion.

Mr. *Tennyson* had not received any intimation of the course which his hon friend, the member for Middlesex was determined to pursue, until he heard him make the present Motion. He was not prepared, therefore, to say whether the course which he had adopted was or was not the best, by which he might have brought the case before Parliament. But he would say this, that he never heard a case which more urgently called for investigation in that House than that which had been made out in the statement of his hon. friend. His hon. and learned friend who had just sat down, had stated that the House would be authorised, only by a case of great abuse, in interfering with the proceedings of courts-martial, or of any other Courts. But that statement implied an admission that the hon. and learned Gentleman himself was opposing the Motion upon insufficient grounds; for surely there never could be a case of grosser abuse than that which his hon. friend had stated. Whether or not the statement could be substantiated, it was of such a nature that the House ought to institute some inquiry, although he could not say in what form the inquiry was to be made. The House ought to be informed by the right hon. the Secretary at War, whether or not he had examined into the circumstances. For, although his hon. friend (Mr. Hume) had not given notice of the precise form of the Motion, yet he had already drawn the attention of the Government to the case, and the attention of the whole country had been drawn to it—nor had any case ever created a stronger feeling of surprise and indignation amongst the people. If the statement of the hon. member for Middlesex was correct, there could be no doubt that the man had really been flogged for his political opinion, and he (Mr. Tennyson) was glad to hear his right hon. friend deny that the statement was correct.

Sir *John Hobhouse:* What I said was, that there appeared nothing in the minutes of the court-martial to justify me in supposing that there was any truth in the statement that the man was punished for a political offence.

Mr. *Tennyson* was glad that his right hon. friend (Sir John Hobhouse) had stated his opinion, that a soldier could not be punished by a court-martial for the expression of his opinion on a political question. If such a punishment as flogging was to be continued, he trusted that the House would at least take care that the power to inflict it could not be abused as in this case. He would support the Motion.

Lord *Althorp* said, he must complain, that the hon. Gentleman had not given notice of his intention to bring forward a Motion so unusual. It was said a man had been punished for an offence which did not subject him to a Military Court, under the pretence of his having committed a military offence. He (Lord Althorp) agreed, that, if that was true, the transaction was one which called for the severest reprehension. But this was a case in which the House ought not to proceed, unless very strong ground should have been made out; nor ought it to interfere with the proceedings of a court martial upon the unsupported statement which had been made by his hon. friend (Mr. Hume), on the authority of the individual himself who complained of being aggrieved. He entirely concurred with his hon. friend, that a soldier had a right, in common with every other Englishman, to express his opinions upon questions of politics. But there must be a line drawn, beyond which that right should not be exercised; and he thought it a question of very great delicacy and difficulty, to determine where the line should be drawn in the case of a soldier. There was at present no reason for going into the discussion, and he put it to the House, whether the Motion ought to be agreed to, notice not having been given of the hon. Gentleman's intention to make it.

Mr. *O'Connell* thought it but reasonable the House should acquiesce in the Motion, for it went only so far as the production of the minutes of the court-martial and the sentence pronounced. It was not the province of that House to take into its consideration the question of how far it was competent to a court-martial to punish for a breach of orders or of discipline. That was a subject of too much delicacy for the House to intermeddle with, but the House would never suffer that the sentence of a court-martial should be applied to the purpose of inflicting covertly a military punishment on a soldier, for something else which made no part of the accusation against him upon his trial on the court-martial. Surely this Government in particular would never shelter a proceeding of so grossly unjust a nature as this, if the facts were as had been stated. But the complaint now made was, that this soldier was not only punished disproportionably to his alleged offence, but that by regimental arrangement, a trap was laid for him so as to cause him to commit this act of insubordination, and thus afford an opportunity, under cover of this sentence, to inflict not punishment for this offence, but vengeance for something industriously kept out of sight, namely, the offence of a political kind committed by him in writing a letter to the *Dispatch* newspaper. This trap consisted in the man's being removed into a higher grade (for which, not an hour before, he had been pronounced unfit), in consequence of which he was appointed to ride an undisciplined horse which he could not master, and which caused the man's refusal to peril his life wantonly, having been but four months in the regiment. And yet it was alleged that this was made the pretext for inflicting on him a severe and brutal punishment, for that which was not in fact a military punishment cognizable by that Court. The right hon. Baronet, the Secretary-at-war had said, forsooth, that this part of the grievance complained of, did not appear upon the face of the proceedings of the court-martial. No one could expect that it should—or that the finding of the court-martial should specify, that the sentence was carried into execution, "because of this man's having written a letter to the Editor of the *Dispatch*." He conceived it would have been highly becoming in the right hon. Baronet to have made personally the proper inquiry into these facts, whether they were true, as stated in the petition, before he had attempted to set up such a defence for the punishment inflicted. As no denial of the allegation in the petition was attempted, he must take those facts as so far proved, that the right hon. Baronet was bound to have instituted an inquiry officially into their truth; and the House, of course, in the absence of all such endeavour on the part of that right hon. Gentleman, was also bound to institute that preliminary inquiry, the first stage of which would not be accomplished without the production of these minutes. Five weeks had elapsed since that man had received these 100 lashes, with a severity which it appeared still confined him to the hospital; and yet the officers arraigned by this petition, had not thought it their duty, as he felt they should have done, to volunteer a statement in their own defence.

Mr. *Robert Grant* knew nothing of this case, except what was contained in the petition presented to the House. He agreed in the statement of the case made by the hon. and learned Gentleman; he admitted the superior power of that House, but he contended that the case, so stated, did not warrant the exercise of the delicate jurisdiction which was vested in the House of Commons. There were other ways of coming at the real nature of the case, which might, and should, have been resorted to before the hon. member for Middlesex applied to the House. The hon. Member might, for instance, have applied, in the proper quarter, for an inspection of the minutes of the court martial; and, after reading them, he could then have ascertained whether there was any just ground for the more solemn proceeding of an appeal to Parliament. With reference to what had been said of the conversation that took place between the commanding officer and the soldier, and to the assurance, that if the soldier expressed his contrition for the one offence, he should not be punished for the other, he was confident that the conversation had no effect on the minds of the five gentlemen who composed the court-martial, and that they decided purely on the evidence brought before them. Of this court-martial the commanding officer, with whom the conversation was said to have taken place, was not one; and he was confident—relying, as he did, on the honour and probity of five gentlemen, bound to administer justice on their oaths; that the soldier was tried and sentenced for the military offence alleged against him, and not for any political offence which might have been known to the commanding officer. He said that common justice, common fairness, common consideration for men discharging a judicial duty upon their oaths, ought to be set against the conversation which was alleged to have taken place. He did not, in his conscience believe that the court-martial inflicted this punishment as a punishment for a political offence. Why did he think so? Because that was but justice to the judicial persons who stood between the soldier and the commission of his first offence. Those persons must receive that credit from the House which those holding high judicial stations always had, and justly claimed. Let the House suppose, however, that this was not the fact, but that the court-martial began with a feeling, and with a view of punishing an offence that was not charged. Did this individual, or did he not, commit an offence within the Articles of War, subjecting him to this punishment? Was the finding of the Court, that he had committed the offence right, and was the sentence jus t,that that offence should be so punished? Suppose this were not the case, were there not a hundred safeguards to prevent the improper exercise of this description of power? Did not this soldier stand before a court-martial to make his defence? He was a person, too, apparently, well able to express his opinions—indeed, that was stated to be his real fault. Had he any ground for denying the military offence? Was there no proof of its commission? Was there nothing which called for the pronouncing of this sentence, and the infliction of this punishment? If not—if these persons did punish this man, actuated by unjust and private motives of their own, were they not liable to the severest punishments, both civil and military? There were many good common lawyers in the House, who could answer that question much better than he could. Was it permitted in this country for a number of persons to conspire together in order to abuse the judicial authority? Was there no remedy? Had application been made at head-quarters? After all, were the military officers, generally, so indifferent to the interests and the welfare of the soldiers, as to permit such an act of injustice to pass unnoticed? Was there no justice in any quarter, and was it a common occurrence, that a person oppressed by an unjust court-martial should cry in vain to the fountain of all justice? He said, that there was not now before the House a sufficient degree of evidence to justify it in taking that step, which he did not, however, say it might not be obliged to take hereafter. He admitted all the general principles that had been laid down in the course of this discussion. It was quite absurd to say, that every soldier was debarred from exercising his judgement on matters passing around him, so that he acted consistently with a proper observance of military discipline. He did not dispute the civil rights which belonged to the soldier, but, he said, that although the soldier possessed those rights, he might be wrong in the frequent exercise of them. His noble friend had very justly observed, that it was not fitting that soldiers should always assume the character of political disputants. There was another principle which he thought would not be controverted; namely, that they ought to look with jealousy on the deliberations of those who deliberated with arms in their hands; a principle, in his opinion, quite as important as civil liberty itself. When this question was before the House on a former occasion, this court-martial was represented to be a district court-martial. It did not appear to have been so, and all he could say with respect to it was, that even supposing, as he was very unwilling to suppose, that the commanding officer was influenced in acting as he did from political opinions, which he did not and could not believe—he said, even supposing that to have been the case, he could not believe that the members of the court-martial would lend themselves to such an atrocious act of oppression, nor did he see one allegation in the petition, or the letter produced by the hon. Gentleman, that connected the conversation of the commanding officer with the court-martial itself. He had no doubt that the gentlemen who composed the court-martial, not only acted in rigid observance of their oaths, but that they possessed feelings which, he was sure, were not scarce in the hearts of British officers—he meant, regret and commiseration for the private soldier against whom the offence was charged, and a determination not to find him guilty until it was clearly proved against him—above all, not to punish him for an offence not committed, or not proved against him. He would say in conclusion, as that court-martial was acknowledged to have been held with strict propriety, and the punishment awarded according to the Articles of War, he certainly did not see the use or necessity of producing at present the papers which were required.

Mr. *Edmund Peel* was satisfied, from what he knew of the manner in which courts-martial were conducted, that the soldier had been fairly tried for the regimental offence alleged against him. He would venture to assert, that the allegations of the hon. Member were not founded in fact. He should, however, vote for the production of the minutes of the court-martial, in order to do justice to the character of Major Wyndham.

Sir *Francis Burdett* would vote for the Motion, whether it was pressed now, or withdrawn, to be produced hereafter in an amended form, as a method of procuring a satisfactory elucidation of the case. The question at issue was important to every class, for there could be no doubt that the punishment awarded on this occasion greatly exceeded the measure of the offence. The hon. Member opposite said, that it would be attended with danger if the soldier were allowed to discuss political subjects. He did not think so; for, as Blackstone says, "a soldier puts not off the citizen when he enters the camp, but it is because he is a citizen, and would wish to remain so, that he makes himself for awhile a soldier." The bounds of military obedience had not been clearly defined; for there had been cases in which soldiers had been brought before Courts of Justice for obeying the orders of their officers. It was perfectly clear that this matter was left in a vague condition, and it was the duty of the House, in a time of profound peace, to revise the law relative to military discipline. The power which was at present allowed by the Mutiny Act was much too great, and, as was said by Blackstone, "Perhaps, in some future revision of this Act, which was, in many respects, hastily penned, it may be thought worthy the wisdom of Parliament to ascertain the limits of military subjection and to enact express Articles of War for the government of the army." Blackstone carried his doctrine to an extent which, in the present day, would be considered dangerous. The hon. Gentleman who spoke last but one, displayed a great deal of ingenuity in his mode of treating this question; but he must excuse him for saying, that he would perplex a plain case. When, therefore, he said, that there was no truth in the statement, and when charges were made, that the soldier was punished on other grounds than those upon which he was tried—there was sufficient reason to call for inquiry. Colonel Wyndham, from what he knew of him, was the very last man whom he would suppose likely to be guilty of anything approaching to cruelty or oppression. He admitted that; but it was necessary for the safety of the soldiery, the satisfaction of the public, and, still more, for the character of Major Wyndham, that the case should be fully understood. He should vote, therefore, for inquiry; for he believed, that if there was one duty of the House more important than another, it was, to watch over the courts of justice, and to see that they did not go beyond the limits marked out by the law. To prove that this had ever been the practice, he would refer to the circumstance of appointing a Committee of Justice at the commencement of every Session, to prevent irregular proceedings in military, as well as civil, courts. He regretted that he was not in the House the other night when the hon. member for Preston brought the general subject under the attention of the House, as he should have availed himself of the opportunity of going more at length into the subject. He had flattered himself that flogging was hardly ever practised in the army, but, unfortunately, the practice seemed of late to have been growing up from the comparative disuse into which it had sunk. He said, the practice had increased, for he was sure, that recently no person could have read the papers who must not have been shocked with the accounts of the punishments inflicted upon soldiers. The argument which had been urged, that all the officers in the army were men of honour, did not appear to him to be entitled to much weight, for men would do things under particular circumstances, which they would not do in a different situation. He believed, that men of higher honour and of greater humanity, did not exist than the officers of the British army; but supposing severe discipline necessary to secure the efficiency of the army, they reconciled themselves to practices of which their hearts and their better reason disapproved. He did not intend to impugn the proceedings of this court-martial, for he had not sufficient evidence to give an opinion on the subject; but he maintained that the state of the public mind rendered inquiry necessary. Within the last twelve months, general attention had been directed to this subject, and there was a feverish anxiety that the practice should be got rid of. He therefore implored and entreated his Majesty's Ministers to take the whole subject into their consideration, and look over the articles of war, with a view to correct such abuses as might exist under them. He thought that the present period was peculiarly adapted for the examination of the whole question, and he trusted that it would be proceeded in without delay. As to the power in question of subjecting men to this species of torture, the thing was monstrous, and the abuse of it intolerable. It had been said, that it would be most unsafe to abandon this power, but surely it could be much lessened without danger, and there could be no doubt that the crimes for which it was to be inflicted should be most accurately defined. There was no one—he would not say a humane man, but no man, however desirous of keeping up the discipline of the army, who would not say that the power of punishment should be exercised with the greatest forbearance. The hon. Baronet in conclusion praised Mr. Shipp, and again entreated the Ministers at once to revise the Mutiny Act, and take away the possibility of the recurrence of such offences.

Sir *Robert Peel* said, the charge was, that a soldier had been punished for one offence, having committed another; and that was a question totally distinct from the corporal punishment to which the hon. Baronet had endeavoured to direct the attention of the House. He thought it would have been better if that question had been left untouched; but, convinced as he was, that if they constituted themselves a tribunal for the examination of the proceedings of this court-martial, on the mere statement of the offender, they would have a petition for the same purpose from every person who might hereafter be tried, he should certainly vote against the Motion. By consenting to constitute themselves a tribunal on such grounds, for the investigation of the proceedings of a court-martial, they were withdrawing from the officers of the regiment, and from the Commander-in-chief, the whole of the authority delegated to them by Act of Parliament, and at the same time placing the matter under the worst possible jurisdiction which could be selected. He candidly admitted that nothing ought to be more severely condemned, than that an officer should accuse a soldier of one offence, and cause him to be punished for another. He would begin by stating this; but he must at the same time say, that it would be utterly impossible to maintain the discipline of the army, if soldiers were allowed to be political partizans, correspondents of newspapers, or members of political clubs. Then, indeed, a standing army would be in truth a curse—then might they bid farewell to civil liberty. He thought, accordingly, that it was fully in the power of the officer in command to interdict a soldier's communication with the newspapers, and prevent him from being a member of a Political Union. He denied the truth of the doctrine, that a soldier continued to enjoy all the rights of a citizen. It was quite clear the soldier must forfeit that portion of his civic right which would interfere with the discipline of the army. But to address himself to the matter immediately before the House. The question simply was, had they sufficient *prima facie* evidence to induce them to believe that this individual had been punished for one offence while he had been accused of another? The expediency of corporal punishments had nothing to do with this charge; and it was most improper to appeal to men's passions on this topic. Now he did not think a *prima facie* case had been made out; he disbelieved the charge. He could not believe that Major Wyndham and the other officers on the court-martial could have violated their oaths by trying a soldier on one charge and punishing him for another. He did not believe that Lord Hill and the other superior officers of the army would have suffered the proceeding to pass unnoticed, if anything appeared against this line of conduct pursued by Major Wyndham. Wishing, therefore, to leave the army to its natural protectors, desiring not to establish a precedent for the interference of the House of Commons in such matters, which must be fatal to the discipline of the army—he would give his decided vote against the proposition of the hon. member for Middlesex, however it might be shaped.

Colonel *O'Grady* was quite convinced, that it was impossible the charges brought against Major Wyndham and the other officers could be founded in fact. The charge against the prisoner was necessarily referred to one or more of the Articles of War, and this most strictly, and no verdict could be given except upon the charge. He was quite convinced that the court-martial had been properly conducted, and that the officers upon it had acted as became gentlemen and men of honour.

Mr. *Hunt* did not understand how Gentlemen could complain of having been taken by surprise, as the subject had been so long before the House. The hon. Baronet had denied that soldiers had a right to express their political opinions when not on duty. If that was so, every military Officer in that House should be restrained in the expression of his political opinions. It was said, there was no complaint against the Commander-in-chief. He complained of the conduct of the Commander-in-chief, because the charges had been published in all the public papers, and no inquiry had been instituted by that officer. It was most extraordinary that his Majesty's Ministers should resist the Motion. The man had been tried for one crime, and punished for another. After the soldier had written the letter to the editor of a paper, he was ordered to ride an untrained horse. When dismounted, he refused to mount again, and was tried by a court-martial. That was the charge, and his hope was, that the Motion of the hon. member for Middlesex would not be rejected. He thought the Secretary-at-War ought, at least, to discharge the man, and send him about his business, in order that they might have the benefit of his testimony at their bar.

Sir *Ronald Ferguson* thought it better that the matter should be left to the military authorities, who, he had no doubt, would do justice to the injured party, and who, he could take upon him to say, were uniformly disposed to act in the humanest manner, compatible with the efficiency of the service, towards the soldiery. Within his own period an immense progress had been made towards doing away altogether with corporal punishment in the army; so much so, indeed, that he would say, that the time was arrived when the experiment might be tried, so far as the home service was concerned, though he feared that it would not be possible to preserve the discipline of the army in the colonies, unless the commanding officers possessed some discretionary power with respect to the infliction of bodily punishment.

Lord *Oxmantown* said, if the statements made against Major Wyndham could be proved, there could be no doubt that he should no longer remain in the service. He must add, however, that he had known Major Wyndham for years, and he could say, that from all he could gather from the facts of the case, and even from the petition itself, there was not the least ground for the charge against him. Notwithstanding these circumstances he would vote for inquiry, because he was well aware that no individual could be more anxious for it than Major Wyndham himself, and he was sure he would come out of the inquiry with credit. The petition bore on the face of it three or four falsehoods. It stated, for instance, that the soldier had received 100 lashes, and had been sent back to prison to receive the rest at another time. This was contrary to law—it was contrary to fact—and, seeing such a falsehood stated, he had a right to doubt the rest.

Mr. *Slaney* gave great credit to the noble Lord who had just spoken, for the way in which he had argued the case. He would admit that it was a subject for inquiry, but, after the statement made by his Majesty's Ministers, he could not see how the hon. member for Middlesex could persevere in his Motion. He would, therefore, recommend him not to press his Motion. If it should turn out that there was any truth in the statements, he would be the first person to assist in bringing the offender to justice.

Mr. *Fane* thought, it would be time enough for the House to think of interfering, when it was seen that the military authorities had neglected to make the proper inquiry.

Sir *John Hobhouse* said, in allusion to what had fallen from the hon. member for Middlesex, that he had been taken by surprise, for he did not know that the petition was to be brought up on that evening. He, therefore, had not made himself acquainted with the sentiments of the Commander-in-chief; and it would be a want of courtesy to lay the papers moved for before the House without consulting him. The only question, therefore, before the House was, whether, in the present state of the proceedings, it would be proper to accede to the Motion. He thought it would not, and should vote against the Motion.

Mr. *Hume* said, that the right hon. Gentleman begged the question altogether. He said, there was nothing in the charge respecting a political offence. Of course there was none. The right hon. Gentleman admitted that a man became a soldier in order to defend his rights as a citizen. Well, then, when the man was off duty, surely there could be no great offence in his expressing his political sentiments. It was true that there were *ex parte* statements. His very object was, that the other party should be heard. It was a reflection on Lord Hill that he had not yet taken notice of the subject. There was, therefore, no means of appeal but to that House, and that was the reason why he brought forward this Motion. After the candid and manly observations of the noble Lord opposite, he did not wish to press the question in a manner to which the noble Lord might object. He was prepared, therefore, to withdraw the present Motion, and give notice of a Motion for this day week, to refer the petition to a Select Committee. He did this in order that no one might accuse him of taking the House unprepared.

Motion withdrawn.

SUFFOLK ASSIZES.] Mr. *Rigby Wason* moved for leave to bring in a Bill to remove the Summer Suffolk Assizes from Bury St. Edmund's to Ipswich. He did not wish them removed altogether from one town to the other—all he desired was, that the Assizes might be held, as they once had been, at each of the towns alternately.

The Earl of *Jermyn* was opposed to the proposed Bill, and should therefore take the sense of the House upon it at this early stage of the measure.

Mr. *Rigby Wason* hoped, that the Bill would be allowed to be brought in, and that the opinion of the Magistrates of the county might then be taken on it before it came to a second reading.

Mr. *Lamb* had always been opposed to the introduction of measures of this sort, which he thought most inconvenient, and not very proper to be discussed in that House. If they were to be brought before the House, it was proper that some evidence should be given that the opinion of the Magistrates, who were connected with the places to which such measures applied, was favourable to them. He, therefore, thought that it would be better if the hon. Gentleman would withdraw his Motion until he could ascertain the opinion of the Magistrates assembled in Quarter Sessions.

Motion withdrawn.

OBSERVANCE OF THE SABBATH.] Sir *Andrew Agnew* presented a Petition from certain Persons in the Cities of London and Westminster, praying that measures might be taken to ensure the better Observance of the Sabbath. The hon. Baronet then observed, that at the very late hour which had arrived, he would not detain the House by any observations, but merely move, that a Select Committee be appointed to inquire into the Laws and Practices relating to the Observance of the Lord's Day.

Mr. Evans supported the Motion.

Lord *Althorp* would not object to the Motion, although the subject was one of difficulty to deal with. The law, he thought, required revision.

Mr. *Courtenay* did not understand what was meant to be included under the word "practices," and he should recommend that the inquiry be limited to the state of the law on the subject.

Mr. *Pringle* thought the whole subject should be inquired into. He apprehended that the word "practices," was meant to apply to various dealings that were now carried on during the Lord's day, the due observance of which had been greatly infringed upon, especially by the Sunday markets.

Mr. *Lamb* did not expect much good from the Committee, but he had no objection to its appointment. He denied that there was any increase in immorality generally in the metropolis. The Sunday markets were in a great measure to be attributed to the payment of wages at a late hour on Saturday night. He objected also to the word "practices." He had no objection to the contradictions of the law being revised, but he did implore hon. Members not to do anything to take from the cheerfulness of the English Sabbath, and to give to it a character of puritanical gloom. Hon. Members also should remember, that the restrictions must fall solely on the labouring classes.

Sir *Andrew Agnew* could not consent to leave the word "practices" out, as that would render the inquiries of the Committee of little use.

Lord *Sandon* said, the word "practices" was essential to the Motion. If there were no Sunday markets the tradesmen would pay their men earlier than they did.

Mr. *Hume* said, that if there were to be restrictions on the poor, there ought also to be restrictions on the rich. The higher classes ought to set the example. If Earl Grey gave a Cabinet dinner on Sunday, was he to be called before the Committee? He entirely agreed with the Under Secretary of State (Mr. Lamb). If a poor man was to be prevented from getting his piece of beef or greens, let the rich man be prevented from getting his ices and other luxuries.

Mr. *Shaw* supported the Motion, and thought the word "practices" necessary. The Sabbath ought to be a day of rest, not of amusement and riotous enjoyment, to the labourers.

Mr. *Ewart* was sure, that if the poor were debarred of innocent sports they would be driven to what was bad. In his opinion, more liberty ought to be allowed to the poor.

Mr. *Lefroy* thought the hon. Member had mistaken the object of the Motion, which was to secure the enjoyment of the poor on the Sabbath.

Mr. *Wyse* objected to the appointment of the Committee proposed. It could have no other effect than to place additional restraints on the poor, and embitter still more their already embittered minds.

Committee appointed.

HOUSE OF LORDS,

Wednesday, July 4, 1832.

MINUTES.] Petitions presented. By Lord SUFFIELD, from Godalming, for making that Place a Polling Place for Surrey.—By the LORD CHANCELLOR, from the Western Division of the County of Gloucester, to make Dursley the Place of Election for that part of the Country.—By the Duke of SUSSEX, from Halifax, to extend the Right of Voting for two Members of Parliament to Halifax.

SUPERIORITIES—SCOTLAND.] The Earl of *Haddington* rose, pursuant to notice, to present a Petition relative to the effect which the Scotch Reform Bill was calculated to have upon lands belonging to Charitable Institutions in Scotland. The petitioners complained, that certain charitable institutions with which they were officially connected, would suffer considerable loss in consequence of some of the provisions of the Bill then before their Lordships' House, for effecting a Reform in the Representation of Scotland. It appeared that a Mr. Shaw, of Prescot, had devised his whole property, to which were attached a number of superiorities, in furtherance of charitable purposes. The value of those superiorities would be prejudicially affected by the proposed alteration in the representative system of Scotland. The petitioners argued, that such a proceeding was contrary to justice. They, therefore, prayed for compensation, and called on their Lordships to hear them by counsel at their Lordships' bar, in support of their claim. He was anxious to make a few observations; but he despaired of being able to render intelligible to an assembly of English gentlemen, the distinction between that interest in land which in Scotland was called "*dominium directum*," and that which was called "*dominium utile*:" he would endeavour to illustrate it, by a comparison between the actual possession, and the holding *in capite*. The "*dominium directum*" in Scotland, was as much a real property as any other estate in land. It was as much actual property as the actual possession of the land itself could confer, and it was often a source of considerable profit, for large sums were frequently paid upon the issuing of charters: indeed, superiorities had often been sold for several hundred pounds; and in Scotland it was customary for a man to sell the estate, and retain the superiority. In 1681, by an Act of the Scotch Parliament, the privilege of voting at county elections was conferred upon those who held direct from the Crown. In whom that privilege previously resided he was not sufficiently conversant with the subject to be able to inform their Lordships; but it was wholly unimportant to the matter now in hand. Let it have been what it might then, and what it might now, the Parliament was not thereby precluded from legislating in any manner which the public good might require. If the public good demanded that a great change be made in the mode of exercising this privilege, and in the persons who were to be intrusted with it, it did, however, become the justice and good policy of Parliament to consider that this was a vested right, and that for a long time past it had been a vested right, that it had been purchased and sold, and that, under the faith of legislative enactments, it had been devised to heirs. By the Reform measure, between 3,000 and 4,000 qualifications for voting for Members of Parliament would be put an end to; now, taking these at the market price of 400*l.* each, there would be a confiscation of 1,200,000*l.* By the law of Scotland, this species of property was considered real property; and the then measure before the House, it was very evident, would invade, and greatly deteriorate that property. He did not say, that the right of voting was property, but it had been so connected with property that it could not be separated at present without injuring property. It was, he conceived, a subject that well deserved the serious consideration of the House.

The Earl of *Rosebery* said, as he was not present when, on a former occasion, a noble Earl, the Lord-lieutenant of Linlithgowshire, had presented a similar petition, he should take this opportunity of stating his opinion on the claims put forth, in each case, by the petitioners. He did not think that they had any ground, or shadow of ground, for the compensation which they claimed. They asserted, that, by the measure of Reform then before the House, certain charitable funds were likely to be deteriorated. But the real question was much more extensive. The point to be considered was, whether the measure contemplated was a measure of justice to all parties. The petitioners laid claim to a particular privilege—a privilege which, after due consideration, Parliament thought had not been exercised for the general good. Therefore, they took away the right of voting which those superiorities conferred, and placed it in the hands of those by whom they supposed that it would be beneficially exercised. There were three points connected with superiorities. The first referred to casualties, and as that involved property, it was not interfered with. The second had reference to titles, and the simplifying the conveyance of property; that was admitted to be useful, and was not touched at all. The third referred to the simple naked right of voting. Now, it was unquestionably the duty of Parliament to look to that right, to see whether it was or was not properly exercised; and, if Parliament were of opinion that it was not correctly exercised, Parliament had the undoubted right to take it away from those by whom it was held. The only precedent for compensation in cases of this kind which could be found, was at the period of the Irish Union; and, in his opinion, such a precedent was rather to be avoided than followed. The compensation given at that time was not so much granted on a principle of justice to those who required it, as it was agreed to as a means to effect more readily that great national and political object, the Union with Ireland. The noble Earl had argued that the Reform Bill would be the cause of confiscation of property to an incredible amount. He could not assent to this proposition, when he saw that the Bill only referred to the mere abstract right of voting, and the interest of the individual possessing that right, but, at the same time, having no real or beneficial interest in the property from which it was derived. The right of voting would certainly be destroyed, but no real or beneficial interest in the property, would be in any manner affected.

The Earl of *Aberdeen* maintained, that those superiorities were as much property, in the eye of the law, as the land possessed by the noble Earl. If there were any doubt on the subject, the simple way of setting the question at rest was, to state to their Lordships what the Legislature had said on the subject. Now, in point of fact, Acts of Parliament could be quoted in which these superiorities were considered to be property, as much as any property in land. The noble Earl said, that no instance of compensation could be pointed out, except in the case of the proprietors of Irish boroughs. He (the Earl of Aberdeen), however, contended, that there were other cases of compensation. There was the case of compensation for heritable jurisdictions. In that instance, superiorities were exempted, because they were considered as being enjoyed on the right of property. This very fact gave a claim to superiorities, for they were described as possessing all the rights of property, and the doctrine had been recognised over and over again as legal.

The Earl of *Rosebery* had recognised that Superiorities were property, but not the right of voting connected with them.

The Earl of *Minto* said, with reference to the Act of Parliament which the noble Earl (the Earl of Aberdeen) opposite had quoted in support of his assertion, that the

Superiorities were recognised by the Legislature, that the word Superiorities was inconsiderately and hastily introduced into that Act of Parliament, and that its sole meaning there was the same with the words heritable jurisdictions, it being considered, when introduced in the Act, to convey synonymous rights with those of the heritable jurisdictions.

The Petition laid on the Table.

PARLIAMENTARY REFORM — BILL FOR SCOTLAND — SECOND READING.] The Order of the Day for the Second Reading of the Reform of Parliament (Scotland) Bill having been read,

The *Lord Chancellor* rose to move the second reading of the Bill. He was quite certain that, in doing so, he was relieved from the necessity of entering atall into any discussion on the subject, by the circumstances under which the Scotch Reform Bill came before them, in consequence of the passing of the English Reform Bill, which was now the law of the land. And he should have availed himself of that dispensation, had it not been that he felt, that respect to their Lordships, and the great importance of the matter itself, required that he should say a few words respecting the Bill which he had in his hand. He would, therefore, briefly advert, in the first place, to the circumstances under which this Bill came before their Lordships; and, in the second place, to the nature of the elective system at present prevailing in Scotland. Whatever doubts might have been entertained as to the propriety of adopting a measure of Reform, with respect to Scotland, before the passing of the English Reform Bill, he believed that, since that Bill had become the law of the land, all doubts on the subject must have been dispelled. No doubt could now exist, not merely as to the expediency, but even as to the necessity, of passing this Bill; so that those noble Lords who might before have hesitated, or might have been reluctant to pass such a Bill as this, or might have been determined not to pass it, might now, with perfect consistency, support it. They might now unhesitatingly give their support to the Bill, without the slightest impeachment of their consistency. The only question was—shall the Representation of Scotland remain as it is, after the Reform Bill for England and Wales has passed? And that was a question which could be answered only in one way. There was every reason for passing this Bill, amending the Representation in Scotland, which existed for the passing of the English Reform Bill; and there were many additional reasons for the passing of this Bill, which did not apply in the case of the English Bill. Having made these few observations in reference to the circumstances under which this Bill was brought forward, he would now proceed to explain to their Lordships the actual state—he hoped it might be soon called the former state—of the elective franchise and the Representation in Scotland. In attempting to explain that system, in such a manner as would make it intelligible to their Lordships, he felt himself involved in much the same kind of difficulty that pressed upon the noble Earl (the Earl of Haddington) near him, in explaining the nature of Superiorities. But he would endeavour to explain, as briefly as possible, the nature of the elective qualification and system of Representation in Scotland, so as to enable their Lordships to comprehend how much stronger was the reason for a change in Scotland than for a change in England. For the whole of Scotland forty-five Members were returned: thirty for the counties, and fifteen for the boroughs; one of the latter being for the Scotch metropolis, and the other fourteen being for the other boroughs in sets. So far the matter was plain, and he would only remark, that the number of voters were far from being sufficient either for counties or boroughs, and that the kind of delegation which prevailed in returning the Members for the boroughs was one of the worst systems that could prevail anywhere. For both of these evils the present Bill provided an ample, and, he hoped, a sufficient remedy. One great objection to the system of delegation was, that in its principle and in its working, it involved the monstrous absurdity, that a comparatively small minority might overrule the majority. This was always the case wherever the system of intermediate election prevailed, as had been exemplified in France. Suppose there were four boroughs, and he took them in even numbers, for the sake of simplifying the illustration, and that in each borough there were 100 voters: each of these boroughs appointed a delegate to vote for the Member: three of the delegates might have each but fifty-one votes, or a bare majority, and yet these three delegates would have the power to determine the election, so that the Member might be elected by 153 voters out of 400, and in opposition to the votes and wishes of the majority of 247. But, suppose the number of the boroughs were five, as it usually was, then the 153 out of the 500 voters might carry the election against a majority of 347, which rendered the absurdity still greater. This, perhaps, did not very frequently happen, but it had happened in many cases, and it was a power which the minority ought not to have. Add to this, that when influence was to be exercised, it might often be thought an easier method to influence the delegate than the voters. But that he would pass over. He came now to the right of voting, according to the present system, for the counties and boroughs, as to which he wished to say a few words. Among those who had made it their pursuit to dive into the antiquarian history of Scotland from the remotest times, some dispute prevailed as to whether there ever was such a thing in Scotland as a popular election; but it was clear, that from the earliest period to which any historical records extended, there never was in Scotland a popular elective system, nor anything like it, either for county or borough. There never was anything approaching to what an Englishman, Welshman, or an Irishman, would understand by a popular election. That there had been elections in Scotland there could be no doubt; but then they were like elections in England for close or nomination boroughs, now happily at an end, and in this manner were the whole forty-five Members elected. First, as to the elections for counties, his noble friend (the Earl of Haddington), when presenting a petition for a compensation to a charity, had occasion to call their Lordships' attention to the nature of superiorities, or the qualification of those who elected the county Members, or Commissioners for shires, and his noble friend had felt the difficulty of giving such an explanation of what was meant by them as their Lordships could understand. He felt the same difficulty, and hardly knew how to express himself, so as to place the subject clearly and distinctly under their Lordships' view. But, instead of giving a definition of what a superiority was, he would try what he could do, by describing, as an illustration, something that would come nearly up to the idea of a superiority. Suppose, then, a manor in England in which the lord had parted with all manorial rights—in which he had no waste, no quit rents, but merely a pepper-corn fine from a copyhold, and as to which, in short, he was stript of all beneficial interest whatever. Let their Lordships figure to themselves a lord of a manor of this description, and they would have some idea of a Scotch superior, and a superiority. The superior might have a vassal, and a feu duty, but that feu duty might be only a pepper-corn, and to the vassal might belong the entire real and beneficial interest in the property, on which the superior might not have a right to set a foot without being a trespasser. In this manner their Lordships might form for themselves the abstract idea of a superiority, or of the *dominium directum*, as contradistinguished from the *dominium utile*. To put another example—suppose the case of a lease in perpetuity—and there were such cases—with an annual payment to the lessor of a pepper-corn; the lessor and the lessee in that case might enable their Lordships to form some idea of the superior and the vassal. The superior had the feu duty, but he might release that duty to the vassal for a pepper-corn, and then the vassal had the entire right of property in the soil, and the superior had nothing but the bare and naked right of voting. Not but that a superior might have the right of property in the soil as well as the superiority. But he had the vote—not on account of his right to the soil, but on account of the bare superiority. So that there was, in fact no exaggeration in the statement of him who had asserted that it might happen, that every one of the thirty Members for the Scotch counties might be returned by the Jews of Lombard-street, without the slightest interest in the soil, or the right to enter upon a single foot of land in these counties. So much for the county Members. And he might add, that the argument was the stronger for a change in this state of things, when it was considered in what a limited number of hands the votes were placed. There was the county of Argyle, for instance, in which were 100,000 inhabitants; and there the number of voters was 113; and of the 113, there were eighty-four who had no property whatever in the county, twenty-nine voters only being connected with the soil. There was also a small county which sent a Member to Parliament alternately with another county—the county of the Isle of Bute, in which the voters were twenty-one in all, and of the twenty-one, only one voter was connected with the land in the county. The county of Caithness had 60,000 inhabitants, and forty voters, and thirty-six out of the forty had no connexion with the property in the county. He would not go through the whole of the counties in order to show in what condition they stood in regard to their voters, but he would take ten of these counties, and in these the whole number of voters was 610, of whom 446 had no landed property, but merely the ideal votes, and only 162 had property in the counties for which they had the votes. Among these ten counties was the metropolitan county, for he had not selected the ten smallest counties. The county of Edinburgh was included, which had 580,000 inhabitants. To refer to the towns: three-and-thirty voters chose the fraction of a Member for Glasgow, for Glasgow was united to other boroughs. Edinburgh, too, had only thirty-three voters to return its Member, and these were not elected by the inhabitants. There were in Scotland sixty-four boroughs, arranged in fourteen sets, and on an average there were not above twenty-one electors to each Member. There was a sort of election among the inhabitants, who elected those who elected the Member. This was another species of the delegation to which he objected. The delegates were not even chosen by the Guilds or Trades, but the members of the Corporation elected one another. In ancient times, elections were on a different footing; though antiquaries were not agreed as to what was the extent of the right of election. It went, however, once much further than at present. In 1469 an Act was passed for altering and limiting the right of elections. The preamble of that Act stated, that because great clamour arose from a multitude of simple persons, "who were thought not to have any right, it was resolved, that the old Corporation should choose the officers, the Guilds having reserved to them the right of choosing the Deacons." In Edinburgh there were twenty Deacons, and thirteen old Deacons and Bailies. Those to whom some power was given wanted more, and the twenty made up the Leets, as they were called, and so engrossed the whole power into the hands of the Town Councils. This was not intended. In Edinburgh the Council chose twenty of the Council, and interfered in choosing the other thirteen; so that not even the Trades or the Guilds, the select parts of the Trades, had anything like an effectual right to interfere with the elections. Nothing could be worse than the system of Scotch county elections; but the system of borough elections was a fit companion for its sister. The Bill he was about to propose the second reading of, assumed that this system could be improved; that it was possible to make it worse he would not assert; but it was difficult to imagine a system more hostile to every principle of Representation than this. As to this system, it was not ancient; if antiquity could hold out against reason, it did not give to this system the grace of its sanction. He did not say that there was ever a popular system of Representation in Scotland; but anterior to the accession of the House of Stuart, there were something like elections, at which all those who owed suit and service took part. He would not, however, enter into those obscure parts of the ancient history of Scotland. He would only say, that in remote times the feudal Parliament of Scotland resembled that of England, though it sooner departed from that form. Where veneration was challenged for the antiquity of the Scotch Parliament he refused the appeal; because in England it was fixed in its principles, though it might vary from age to age, changing only a little from century to century; but in Scotland the history of the Parliament was one of quick, great, he might say, violent and fundamental changes. There was in it no abiding principle. The noble and learned Lord referred, at some length, to the history of Scotland, to show, both as to the right of voting, the duration of Parliament, and the persons elected, that the Scotch system had been continually changed. The noble and learned Lord also quoted several successive statutes, showing the manner in which the people were relieved from any concern in electing Members for the Parliament, but were called to nominate Commissioners. In 1681 a great change was made in the number of county Members, which totally overthrew the balance that before existed between the county and borough Members; the county Members having been then increased more than two-thirds. The Parliament which existed at the time of the Union, was a most extraordinary legislative body, for it had no fixed duration; lasting at one time only one Session, while the Parliament of King William 3rd lasted eight Sessions. This Parliament was completely under the control of the Lords of the Articles. When not sitting, the Parliament intrusted to a sort of Committee the whole power of making laws. It was painful to look back upon the deeds of this Parliament, as affording a melancholy picture of the barbarous state of society in that part of the kingdom. He would only remind their Lordships, that sedition, and attending conventicles, were punished with death, as treason. Torture was the law of the land till the latter end of the reign of King William. In the middle of the sixteenth century, a law, which actually existed even at present, was placed in the Statute-book, though it had fallen into desuetude, by which, whoever, not being a nobleman, should shoot wild-fowl, should suffer death, and forfeit all his goods and chattels, which were to be given to whoever should sue for the same. The noble and learned Lord next referred to the fact, that the lesser Barons had staid away from Parliament so long, that it was doubted whether they had any right to attend, and they petitioned to have that right restored. To sum up, he would say, that any argument used in defence of the English system must fail as applied to Scotland. The great argument as to the English system was, that it went on well, notwithstanding the anomalies it contained in theory. When it was said, that Birmingham was not represented—that Bath was only represented by those who were not elected by the people, the answer always was, that these unrepresented towns were safe, in the represented towns in their neighbourhood having the same interest as themselves. That argument had long prevented Reform in this country; but it failed entirely as to Scotland, for in that country there was no represented place whatever. These evils the Bill proposed to amend. It proposed at first to do away with delegation. The noble and learned Lord explained, that the Bill gave Members to Edinburgh and Glasgow; it gave the right of voting to the electors in counties consisting of 10*l.* holders of land; it adopted a machinery of registration, similar to, though somewhat different from that adopted for England. In Scotland the want of the machinery of English Poor laws made another system necessary. Scotland had a parish school system, and the parish schoolmaster was to supply the place of the overseer in England. In England, registration was placed under barristers, and here it had been found necessary, which he regretted very much, to invest the Judges with the power of appointing these barristers; he objected much to this, as increasing the power of the Crown; but necessity compelled them to adopt it. Scotland happily stood under other circumstances. It had a system of local judicature, and local Judges—the system of which he hoped to see extended to England—and the Bill, taking the advantage of that circumstance, intrusted those duties to the Sheriffs of Scotland which were here intrusted to the barristers. He would not enter further into the particulars. He apologized to their Lordships for troubling them so much on such a dry, though it was such an important subject. He should be repaid for the trouble he had taken, if he should have rendered this dry subject at all interesting to their Lordships. He should move that the Bill be read a second time.

The Earl of *Haddington* said, that his noble and learned friend had begun by stating, that those who had opposed Reform in general, would be guilty of no inconsistency in supporting this Bill, after the English Reform Bill had passed. It seemed to him that the state of the House, and the appearance of the benches around him, rendered that appeal unnecessary, and showed that there was no sort of opposition intended to the second reading of this Bill. The case was quite altered by the change which had been made in the law relating to England, and although he was in no wise influenced by the arguments which had been employed in favour of Reform in general, he should not object to this Bill. He was no greater friend to the old constitution of the Parliament of Scotland than his noble and learned friend, who had devoted a considerable portion of his speech to an exposure of its defects, but if ever a people felt grief, indignation and sorrow, it was the Scotch, at the loss of that Parliament. He saw near the Woolsack a noble Lord, whose ancestor was distinguished by the celebrated and eloquent speech he made in behalf of the ancient Constitution of Scotland. The bad laws the noble and learned Lord had mentioned, were as much a proof of the barbarous state of the time, as that the Parliament of Scotland was a bad legislative institution. That Parliament had passed many bad acts, but it had passed several good laws, and, amongst them, one which a noble friend of his had once considered as nearly equal to the Habeas Corpus Act of England — he alluded to the Act "Anent wrongous Imprisonment." Though he knew that there was no popular representation in Scotland, yet he had aways considered that the county Members of Scotland represented the landed interest fairly and fully; as to the fifteen borough Members, no doubt they were now returned by close Corporations, and it was impossible to say that, when any change took place in the Scotch system of Representation, that branch could be allowed to remain precisely as it now existed. In considering the alterations made in the Representation of Scotland, however, by the present Bill, the first question was, whether justice was done to Scotland by it? By the Act of Union, forty-five Members was the number allotted to Scotland; but that bargain had been made with a view to the then existing state of the English Representation. It was felt that Scotch Gentlemen would be enabled to find their way into the House of Commons by means of English boroughs; and it was impossible not to perceive that in that indirect way Scotland had a much larger share in the Representation than she could now have with fifty-three Scotch Members, the facility of getting into Parliament for English boroughs being so much diminished. The inevitable tendency of the English Reform Bill was to localize the interests, and to preclude the chance, or at least to limit it extremely, of persons connected with Scotland being able to find their way into Parliament through the English boroughs. If this circumstance were taken into consideration, he thought that it would appear that Scotland, with her own forty-five Members, added to those Members representing her interests, who obtained admission to the House of Commons, possessed more influence in Parliament than she would obtain by the fifty-three Members whom this Bill proposed to give her. With reference to the principles on which the English Bill was founded, and upon which the general question of Reform had been argued, he certainly was of opinion, that Scotland was entitled to greater consideration than she had obtained from Ministers. In the first place, the population of Scotland bore a larger proportion to the population of England than the Representation of Scotland bore to the Representation of England; the same statement might be made with respect to taxation and ~~real~~ property. In England the proportion of county Members was as one to every 25,000 county voters, whilst in Scotland there would be on an average, only one county Member to every 44,000 county constituents. The people of Scotland had a right to demand, and he had heard no arguments, and saw no reason why Scotland should not be allowed to partake fully of all the benefits which were expected to flow from the change about to be made in the Representation of the United Kingdom. There was one objection made to the present measure, in which he could not agree. Their Lordships were aware that, at the Union, it was settled that Scotland should have thirty county Members, and fifteen borough Members, and it was now complained that the proportion of borough Members was about to be increased—the number in the new Bill being twenty-three, whilst the number of county Members remained at thirty. Considering the great increase of wealth, intelligence, and population in the towns of Scotland, he confessed he did not think the objection a valid one, or that the proportion of borough Members was too great. He did complain, however, that, by means of the new qualification introduced by the Bill, the Representation of five or six of the counties of Scotland would be taken away from the landed interest, and placed in the hands of the manufacturing population, whilst in the remaining counties, the voters in towns would compete with the agricultural voters in a way which he believed the framers of the Bill had not contemplated. He feared that this would have the pernicious effect of creating a division of classes in Scotland. It was not wise nor fair towards the landed interest that they should be overborne in the counties by the votes of persons resident in towns, and having no connexion with the landed interest. In his opinion, those who framed the Bill ought to have laid the foundation of the county constituency in the possession of landed property, and then they might have made the qualification 10*l.* or 5*l.* as might be deemed most advisable. As the Bill now stood, however, he did not think the landed interest of Scotland would be sufficiently represented. Another complaint was, the manner in which the Universities of Scotland were neglected. He should only ask, why it was, that the University of Dublin should have an additional Member granted to it, and should hereafter return two Members, whilst the four Universities of Scotland were left without any Representation? It would only have been justice to the Universities of Scotland, to have allowed them to return at least one Member; and he should certainly feel it his duty to call their Lordships' attention more particularly to this point when the Bill went into Committee. He had risen on this occasion without intending to offer any opposition to the second reading, and merely because he thought it would have seemed strange if no one connected with Scotland had spoken on a question of so much importance to that country. Many noble Lords had, no doubt, absented themselves, being aware that no opposition was intended to be given at this stage of the Bill. When it got into Committee, however, he hoped to see the benches present a different appearance, as several important improvements would certainly be proposed.

Lord *Belhaven* thought, the noble Earl had put a wrong interpretation upon the speech delivered by his (Lord Belhaven) ancestor, who, he was sure, intended as his whole conduct had shown, to bestow no praise on the ancient constitution of Scotland. He might be allowed, as he was on his legs, to add, that he gave the Bill his most cordial support, believing that it would promote the real interests of Scotland.

The Earl of *Rosebery* said, that the observation which fell from the noble Earl who had just sat down, that it would appear singular if Peers connected with Scotland took no part in the present discussion, as well as the deep interest he felt in the question, would, he hoped, excuse him with the House for briefly stating the view he took of the necessity and sound policy of the measure now recommended to their Lordships, and of the futility of those arguments employed against it, which though, in some respects, specious, appeared to him either unfounded, inconclusive, or much exaggerated. The noble Earl, it was true, had not, on the present occasion, resorted to a favourite objection to a change in the Parliamentary Representation of Scotland, grounded on the vast improvement which had taken place in the condition of that country, under the system which now prevailed there, but as he and others, in the incidental discussions which had occurred, frequently made use of this reasoning, he must advert to it for a few moments. He thought that those who urged this fact as an argument against the proposed change, were either ignorant themselves of the means by which a great and beneficial end had been accomplished, or practising on the ignorance of others, deluded them with this idea for the sake of obtaining their political support. It was only necessary to look to the state of Scotland, when a separate kingdom, under the unmixed dominion of that species of Representation which was peculiarly her own, to see what evils it produced, and what good it was the means of preventing. If their Lordships would turn to the history of that country, from the Restoration to the Union, they would perceive, that a legislature so constructed, committed, or connived at acts of injustice, cruelty, despotism and treachery, which would disgrace the annals of any government, while the legislative proceedings which were good in themselves, produced no good fruit, in consequence of the universal depression and poverty of the people, occasioned either by the direct conduct of their Parliament, or by the latter exercising no control over the executive government, which thus became, at once, arbitrary and corrupt. The advocates of such a system of Representation as this, were in fact, hostile to any real Representation, of which this had scarcely a semblance, and none of its spirit, or effect. Besides other great evils, it was the cause of a reproach (undoubtedly an unjust and prejudiced one), frequently made against the political character of the Scotch and—by the small number, and description of many of the electors, led to a mode of acting which contaminated both them and those who were elected to the other House, who he had heard ludicrously called the accredited agents of those who chose them to the Treasury, Admiralty, and War Office, rather than Representatives of the people. In the burghs, besides this kind of political servility, as they were all close corporations, or nearly so, it frequently alienated, or set them in direct opposition to the wishes or interests of the inhabitants, and, in a contest for a Member, led to the most shameful and corrupting bribery. This system, therefore, was bad in every particular belonging to it—greatly to be deprecated on account of its effects; and it would have been quite intolerable if it had been the only mode of Representation known in the kingdom. It was indispensable to have it now completely changed, when a great alteration was adopting to improve what was defective in the Representation of England. But although, for the reasons he had given, the prosperous condition of Scotland could not be ascribed to her peculiar political system, it was principally owing to the great and rapid advancement which the people of that country had made, that they could no longer remain satisfied with it, but implored, with intense anxiety and earnestness, a total change in the system of their elections. It was undoubtedly in consequence of the vast increase of wealth—of the extension of knowledge and intelligence among all classes—of the augmentation of the middle order in number and power—of the desire to share in political privileges by the smaller proprietors, at present excluded from such rights—that a feeling in favour of Parliamentary Reform, and of obtaining a real Representation in the House of Commons had become so intense and general, among the people of Scotland. The Government, therefore, had, in his opinion, acted most wisely, with regard to Scotland, in making a complete change in this respect, and assimilating in principle, the Representation of both divisions of the Island: and when the noble Earl who spoke last complained that Scotland was ill-treated in the small number of additional Representatives given to her, although he should have been glad if more could have been granted, he thought that England had acted most liberally on this point, when, out of a partial disfranchisement of some of her own boroughs, she gratuitously conferred eight additional Members on Scotland. The noble Earl had also pressed earnestly for Representatives being given to the Scottish Universities, an object which he originally had been as desirous to obtain for them—at least, to the extent of one Member for the four—as the noble Earl; but now when the full number of the House of Commons was filled up, to increase which, he trusted, would never be thought of, he saw it was impossible to give a Representative to the Universities, without depriving some other place of one, possessing stronger claims, and he was reluctantly compelled to abandon what he had long wished to see accomplished. To revert to the general measure, the questions to be solved in the consideration of it were, first, whether in its principle and provisions, it carried the seeds of danger within it; and next, whether such a Parliamentary Reform in Scotland would occasion any retrograde movement, or keep that country even in a stationary condition; with regard to all, or any of her great and fundamental interests. Believing that any risk to be incurred was grounded rather upon apprehensions arising out of the magnitude of the change, than from what it was proposed to enact, and, above all, being convinced that any evils which might follow, would not only be trifling in themselves, but as nothing compared to the danger and mischief which would ensue from not passing this measure, he could see no cause for alarm, but much to give assurance for the future, by its adoption. Then, again, so far from undermining the sources of prosperity, or arresting the progress of improvements in Scotland, he would venture to affirm that by the contentment and happiness which Reform would diffuse, and the new feelings of self-respect and laudable ambition which it would excite among the intelligent, the energies of the people would increase, and all those causes which had hitherto produced such beneficial effects in that country, would remain not merely with undiminished vigour, but would acquire additional force.

Lord *Napier* said, on the principle just laid down by his noble relative, on the other side, and acknowledged by his noble friend below him, that every Scotchman who felt an interest in his country, should express his opinions on the present measure, he had to request their Lordships' attention, for he had not, hitherto, had an opportunity of stating his opinion on this momentous question of Reform. The opinion, indeed, of a Scotch Representative might be matter of little concern to the people of England, but not so to the people of Scotland on the present occasion. They had now turned their eyes from their Representatives in the other House of Parliament—if such they might be called—and their whole attention and regard was fixed with the deepest anxiety on their Lordships' House, but more especially on the Representatives of their ancient Peerage, of that Peerage whose greatest glory was identified of old with the history of that people, and to which Peerage those people had from time immemorial, been accustomed to look up with veneration and respect. He entreated his noble countrymen, as many of them as might differ from him on the present question, to beware that they did not forfeit that veneration and respect. He entreated of his noble friends, at once to renounce their antiquated opinions, and this night to do an act of grace and of courtesy—or rather an act of justice to their fellow-countrymen—to those persons who had raised the character of their ancient kingdom to a pitch of eminence for intelligence and moral worth, to which he did not hesitate to say, that no other country in the world had ever yet arrived. Scotland had been eulogized over and over again within the walls of that House, as the best-conditioned country in Europe; but he would ask, had this condition arisen from the close boroughs, the 400*l*. superiorities, and the paper votes? No; he flattered himself that the genius of his country had towered with aspiring wing far above those shameful parts of her Constitution, which were left uncorrected at the Revolution; the industry, the intelligence, and moral worth of Scotland, had arisen from those fair Reforms in Church and State, effected by the best blood of her sons, from the reign of the unfortunate Mary to the demise of her bigotted descendant, the Seventh James; but the work was not completed: notwithstanding which it was to those reforms—partial though they might be—that Scotland was indebted for that amount of intelligence and moral worth which marked the character of his countrymen at the present day, and which had raised them to that pitch of eminence among the nations for which they were so justly eulogized. He would ask, then, how could they any longer deny to such men the reasonable privilege of a voice in the nomination of their own Representatives? It was impossible. Whatever, therefore, might have been their Lordships opinions in times past, they were, under present circumstances, at full liberty to renounce those opinions, and thus to meet the wishes of their countrymen in a spirit of conciliation and regard. He would say this for himself, that he had never yet experienced in his own breast one single sentiment in opposition to those wishes, because he believed them to be founded on the basis of eternal justice, and he felt not the slightest doubt or cold-hearted hesitation as to the result—his confidence was in the people. Like many of their Lordships he had long seen not only the necessity, but the gradual approach of this Reform in Parliament; at the same time he must honestly confess, that his preconceived ideas—for he had neither theory nor wishes on the subject — had not led him to anticipate the full extent of the present measure. He had had neither the wisdom nor the experience to suggest so great a measure; but, having seen it, he willingly gave up his own ideas, for one moment's consideration assured him, that the people of Scotland could no longer be left behind the people of England in the exercise or in the enjoyment of any one political privilege. He, therefore, tendered his best thanks to that united Administration, which, with inflexibility of purpose, had already effected so great a consummation. A great deal had been said, about re-action, and that the Yeomanry of Scotland were altogether indifferent to the measure. He most positively denied the assertion, for his experience among the yeomen convinced him of the contrary; at the same time he was willing to confess that where so many of the landed proprietors had evinced such a determined hostility to the present measure, that, out of regard to their prejudices—out of respect to their persons as old friends—but, above all, under a thorough conviction that the great measure would work its own way, in spite of every obstacle and of every objection—the Yeomen had not, on all occasions evinced that degree of energy in favour of the cause which had been so remarkable among other classes of the people; but, to tell him that they did not require it—that they would not have it—and, above all, that they were not deeply anxious for it—whoever could entertain an opinion of that sort, at the present day, must be labouring under a degree of aberration or of mental delusion, which could only arise from the most unaccountable amount of prejudice and of error. Supposing that their opponents no longer denied the wishes of the people, they next took their stand on the fitness or propriety of the present concession. With respect to the Yeomen or Tenantry of the country, he would ask, if they were not men of capital, some of them of considerable capital, and others, indeed, of very great capital, all of which was invested in the properties of their Lordships and others—their whole stock was amalgamated with their Lordships' own—their interests were identified and indivisible—they mounted their horses and drew their swords in defence of their property and their Lordships' own — they were the legitimate military force of a free country — they were men possessed of great wealth and of great power in the state—he would then, ask, was it any longer possible to deny to such men a voice in choosing the Representatives of so much wealth and of such great power? It would be as unjust as it was impossible. Then, again, there were the merchants, shopkeepers, middle classes of all descriptions, down to the humble and industrious artizan, who himself aspired to become a shopkeeper, and then a merchant—as many of them had been, and were at the present day—could their wealth be denied? Why, he had heard it said, that the wealth of these men would purchase the whole wealth of the Peerage a thousand times over; and he believed the fact—or did they deny their power, or the multiplied increase of that power, through the means of political combinations? It was impossible, he therefore contended, that they could longer deny to these men the privilege which was now to be given them. Then, again, there was the mob; they were in many places numerous—at all times prone to wickedness—but as a party in the State, when left to themselves, they were utterly contemptible. But if the wealthy and respectable classes were denied the privilege in question, they were identified with the mob. And where was the Peerage—far less the faction of a Peerage—which could withstand the rush of such a torrent? But, on the other hand, if a timely concession were granted to the Yeomen and middle classes of society, they would be rescued from the contact and contamination of the mob, withdrawn, as it were, upwards to the higher classes and from enemies be converted into friends. With respect to the principle of this measure as well as a great part of its details it had his warmest approbation and support. It did not affect one single prerogative of the Crown, neither did it deprive their Lordships of one single legitimate privilege. If it affected the constitutional rights of either the one party or the other, this measure should have none of his support. The subject was, in fact, reduced to the plain simple question between the people and their representatives, in which the Peers, in his opinion, had little or no concern; therefore, that House ought only to interpose their authority to protect the rights of the Crown, and their own peculiar privileges; but, in doing so, they should also be particularly careful not to give cause of offence to those people and to those Representatives, in a matter, in which they had but little right of parliamentary interference. He deprecated, that interference, especially after two such majorities in the other House of Parliament. Consequently, not only Scotland in the present instance, but the whole United Kingdom, had his best wishes and support in connexion with the present measure. A noble and learned friend of his, whom he was sorry not to see in his place on the present occasion, took an opportunity of saying, on a former night, that no true Scotchman—no Scotchman who loved his country—could support the present Bill. He begged to assure his noble friend, that he (Lord Napier) was one of those Scotchmen who dared love his country—aye better than any other country—and, during his wanderings he had visited a few—nay, more—with all their imperfections on their heads, which were neither few nor small, he gloried in the name and character of a Scotchman; and it was for that love and glory which he felt and entertained towards his country, and for that perfect confidence which he reposed in the integrity and good sense of his countrymen, that he now offered his most anxious and heartfelt support to the Bill on their Lordships' Table. He would not take up their Lordships' time in attempting to point out the abominations of the present system. He could not forget the effect which was produced on his own mind by the first general election which he witnessed in Scotland on his return to his native country, after many years' absence in his Majesty's service. The first impression was sufficient to satisfy him that such things could not last, because the time of peace had arrived, and the people had leisure to inquire into the state of their own affairs. He had not been deceived in his anticipations; that night (if it had not received it before) would give the death-blow to that system—which, however, well it might have worked, was not the origin of our prosperity, for the country throve in spite of it. Neither would he attempt to point out the advantages—the unforeseen advantages, which must arise from the present change—because he conceived, that to those who had fully made up their minds against it, common sense and experience were alike thrown away; but as a responsible person—as responsible to the noble Peers who sent him to their Lordships' House, and as responsible to his country in general—he had thought it his duty so far to record his opinions on the present subject. He had addressed himself more particularly to his noble countrymen on the other side—to his noble brothers in the Representation—they were twelve on that side of the House, to four upon this—and where were they? He called upon them to come forward and refute every sentiment he had expressed; and if they could do so to his conviction, he promised them his support; but if they could not do so—if they could not prove, that their countrymen were not the people he had described them to be—if they could not contradict everything that had been said, now, or heretofore in their behalf—if they could not prove that they were unworthy of the privilege, and incapable of exercising it—then his noble friends were bound, on every principle of honour and of justice, to support their countrymen and the present Bill.

The Earl of *Haddington* wished it to be understood, that no person could more cordially approve than he did of the proposition for extending the right of voting to that most respectable body of men the tenantry of Scotland.

Bill read a second time.

DIVISION OF COUNTIES AND BOUNDARIES BILL.] Their Lordships went into a Committee on this Bill.

The Duke of Richmond moved, that Corfe Castle and Bere Regis, be added to Wareham—Agreed to.

The remainder of the clauses of the Bill read and agreed to.

House resumed.

HOUSE OF COMMONS,

Thursday, July 4, 1832.

MINUTES.] Petitions presented. By the Sheriffs of London, from the Lord Mayor, Aldermen, and Commons, of the City of London, assembled in Common Council, for giving as extensive a measure of Reform to Ireland as to England.—By Mr. ANDERSON PELHAM, from certain Graziers, near Long Sutton, Lincolnshire, complaining of the great increase in the Crime of Sheep-stealing, and praying the House would examine into the propriety of the Commutation of the Punishment of Death.

CHOLERA MORBUS.] Mr. *James E. Gordon* presented a petition from a Parish in the county of Tyrone, against the Ministerial Plan of Irish Education. He took that opportunity of inquiring, whether his Majesty's Government intended to take any preventive measures relative to the dangerous spreading of the Cholera: according to recent accounts in the metropolis, already, amongst others, the father of that House, Lord Amesbury, had fallen a victim to it [" *No, no," from some Members*]; and he heard, that so prevalent was it, that one eminent medical gentleman had attended, in one day, not less than forty patients, attacked by cholera.

Mr. *Lamb* said, he saw no necessity to revive the reports which had formerly emanated from the Council Office, as to the number of cholera cases returned to that office. This disease, though it had decreased, had never, except for two or three days, totally disappeared in the metropolis. There was a strong suspicion entertained by himself, and others better acquainted with the malady, that it was of a kind which would be likely, under peculiar circumstances, to return at all periods. He could assure the hon. Gentleman, that the reports circulated as to the number of cases which had occurred in the metropolis were much exaggerated, and that few or none had terminated in death, owing, he believed, to the attention paid to the disease by the faculty, immediately on its first symptoms becoming manifest. There was not, he was happy to say, a single case of cholera reported to-day.

Mr. *Hunt* said, that it was making its ravages in Horsemonger-lane gaol at this moment, where there had not been less than nineteen cases of real cholera. This might be, in part, attributed to the strict manner in which the prisoners there, debtors as well as criminal prisoners, were confined, and interdicted indulgence by the Surrey Magistrates, both in respect to air, ventilation, and the visits of their friends and acquaintance; but it might, with greater propriety, be traced—and he had the corroborative testimony of the prison Doctor on this head, to the shamefully adulterated bread which was served to the prisoners.—[The hon. Member handed over a piece of it to Lord Althorp]—It was, he said, even when fresher than now, sour, and seemed to be, in fact, composed of ground bones—a very improper practice, all would agree, since that must be a very inadequate substitute for wholesome flour, which was to be cheaply had from warehouses where American corn was hoarded up to rot, in consequence of the iniquitous duty on this essential article of food, to prevent its coming into competition in the market with British-grown grain.

Mr. *Lamb* expressed his regret that the hon. Member had not refrained from making these statements until some of the visiting Magistrates, Members of that House, had been present. He believed it was difficult generally to get really good bread any where—perhaps more so within the walls of a prison. Those Gentlemen, if present, could have given more satisfactory information than he; but this he knew, that the cases of indisposition which had occurred there had been treated with attention by the medical person attached to the gaol; that, in consequence of complaints made to his department, the food had been provided of a better quality, and the whole state of the gaol much improved. There was no ground, he would state in reply to a question from the hon. Gentleman Mr. H. L. Bulwer), for the report that the cholera had appeared in Coldbath-fields' prison, the condition of which was perfectly satisfactory in that and other respects.

Petition laid on the Table.

POST OFFICE—CASE OF MR. MILLS.] Lord *Oxmantown* presented a Petition from George Dallas Mills, lately a Clerk in the check department of the Post-office in Ireland, stating, that he had been actively engaged in the duties of his office for upwards of twenty-two years, and that, in consequence of malversation in the office, in which he had been admitted not to have participated, he had been dismissed without any retiring allowance.

Lord *Althorp* said, that this case had originated from the great irregularity which had prevailed in the Irish Post-office, and from the parties into which it was known that those functionaries had been divided. There was no moral imputation upon Mr. Mills; but erasures had taken place in the books, which must have been known to him; and, on one occasion, when a fraud was discovered, instead of applying to the Secretary, who was on the spot, the petitioner had written to the Post-master-general, who was in the country; and the result had been, that the defaulter made his escape. Such were the circumstances when the Duke of Richmond came into office; and, upon consolidating the English and Irish Departments, he chose, as he had a right to choose, efficient officers, and he had done so, leaving out this gentleman. The noble Lord said, he had no objection to produce the papers sought for by the petition; and, as to compensation, that was a subject which might be considered hereafter. Petition to lie on the Table.

REGISTRATION (IRELAND).] Sir *Henry Parnell* said, he had been accused by the hon. and learned member for Kerry, in a published letter, of having privately recommended to Government, the alteration from the English plan of registration to the old Irish method, while he appeared to assent to the introduction of the former system into the Irish Reform Bill, at a meeting of Irish Members. The fact was, about ten or eleven months ago, he communicated to the Irish Secretary his opinion, that the English plan was not suitable to the circumstances of Ireland, and, far from making a secret of his opinion, he mentioned it freely, even communicating his opinion to the Chief Secretary for Ireland through the Solicitor General. As to the meeting of Irish Members, at which the English plan was stated to have been agreed to, he had attended it in common with other Gentlemen, in the understanding that he was not to be considered as bound by everything that might pass on the occasion. However, he did not think it necessary to state his opinion on the subject of the registration at that meeting.

Lord *Althorp* could bear the right hon. Gentleman out in his statement, that there had been nothing secret or underhand in the recommendation to the Irish Secretary as to registry.

Mr. *O'Connell* reiterated his published statement, and added, that the reason why he had charged the right hon. member for Queen's County with having acted secretly was, because the right hon. Member's recommendation to Mr. Stanley took place in November last; and, in the following February, a resolution was unanimously agreed to at a meeting of Irish Members, of which the right hon. Gentleman was one, calling for the English in place of the Irish system of registration.

Sir *Henry Parnell* had no recollection of any such resolution, and did not consider himself pledged to it.

Lord *Killeen* corroborated Mr. O'Connell's statement as to the resolution.

Subject dropped.

LIVERPOOL DISFRANCHISEMENT.] Mr. Benett moved the Order of the Day for going into Committee on the Liverpool Disfranchisement Bill.

Lord *Sandon* objected to any body of freemen being deprived of their rights without sufficient cause. In all other cases of disfranchisement, the punishment was confined to the actual offenders. He maintained that it should not be carried further in the present instance. He should therefore move, as an Amendment, that the Bill be re-committed this day six months.

Mr. Ewart seconded the Motion.

Mr. *Rigby Wason* opposed the Amendment. He considered the noble Lord's Amendment as only calculated to assist the cause of bribery and corruption.

Mr. *John Campbell* supported the Amendment. He admitted that the practice of bribery was most mischievous and disgraceful, but he considered that the Reform Bill would render any measure of this kind unnecessary. The Bill would be inflicting a stigma on the electors of Liverpool, which they did not deserve a whit more than the electors of three-fourths of the empire, under the ancient system of mock Representation. The Bill, moreover, was opposed to the law as it at present stood; for it went to punish the innocent offspring for the offences of the guilty parent—a principle no longer recognized in the Courts of Justice.

Mr. *Cutlar Fergusson* differed from the hon. and learned member for Stafford, and would vote for going into Committee, in order to afford the hon. mover of the Bill an opportunity of proving the allegations of bribery on which it was founded.

Mr. *Strickland* thought it would be extremely invidious to direct a measure of this kind against any particular place, while there were others equally corrupt. He supported the Amendment.

Sir *Henry Willoughby* supported the Amendment, upon the same ground. He conceived that, at the late period of the Session at which they had arrived, inquiry must be endless and useless.

Mr. *C. W. Wynn* had, during his parliamentary career, voted for measures like the present, and would also vote for this, as he conceived that there was no more unexceptionable mode of punishing electors guilty of bribery, than depriving them of the trust which they had abused. It was no argument to say, that the minority were innocent; for every corporation was bound by the acts of its majority.

Mr. *Benett* only sought for an opportunity to prove one fact, on which he would stake the success of his Motion—namely, that upwards of 3,000 out of the 4,100 electors of Liverpool took bribes at the election to which the Bill particularly referred. This fact being proved, he should feel that he had discharged his duty, and would leave it to the House to discharge theirs. The hon. Member was proceeding to enter into a statement of the details of his Motion, when

Mr. Hunt moved that the House be counted.

The House counted out.

HOUSE OF LORDS,

Thursday, July 5, 1832.

MINUTES.] Papers ordered. On the Motion of the Duke of RICHMOND, a Copy of the Instructions and Reports relative to the Cities and Boroughs in Ireland sending Members to Parliament.

Petitions presented. By Lord MOSTYN, from several Places in Wales, for a Restoration of their ancient Rights.

APPELLATE JURISDICTION. ECCLESIASTICAL COURTS.] The *Lord Chancellor* said, he rose to present to their Lordships a Bill, of which he had given notice, relative to the Appellate Jurisdiction of the Ecclesiastical Courts. It was a measure founded upon, and in accordance with, the recommendation of those learned and most respectable individuals, the Ecclesiastical Commissioners, and, as he supposed that the introduction of it would meet with no opposition, he should not have to trespass at any length on their Lordships' attention. However, as the measure was a very important one, and as it went to make a very important change in the law, it was fit that he should state the nature of it, and the grounds upon which it was proposed to be made. Their Lordships were aware, that from all the Ecclesiastical Courts in this country, an appeal lay to the High Court of Delegates; and even the decision of that Court of Appeal was not final, for the party against whom it was made could have a further appeal to the Court of Review, by an application to the Crown for the granting of such a species of appeal as a special favour. The party, in the first instance, against whom sentence was pronounced in any of the Ecclesiastical Courts, had the right of appeal to the High Court of Delegates, which Court was appointed by a commission from the Crown, authorising a certain number of persons, called "delegates," to investigate and decide upon the matter in question. This appeal was a matter of right, and existed by statute-right since the 25th of Henry 8th. The Crown might issue this commission to whatever persons it pleased, but it had been long the practice to issue that commission to a certain description of persons. Those persons were generally three or four of the Judges in the Courts of Common Law, and three, four, or five Civilians. The construction of that Court was anything but well adapted for the performance of the important duties that were assigned to it. It was first required by the rules of the Court, that, in order to make its sentence valid, one of the common law Judges should be a consenting party to it. In the second place, when an equality of decision occurred, (an occurrence by no means unfrequent in this Court, where there were often but six of the Judges in attendance), there was no sentence. In the third place, the common law Judges, who constituted a part of this Court, were obliged, in forming their judgment in the case referred to them, to rely on the assistance of the advocates of the civil law Courts, who had been appointed in the same commission, and who were, of course, considered to be more conversant with those principles of law on which the case was to be decided than they could be. Now it so happened, that the Civilians appointed on those commissions were not the best qualified to render that assistance to the common law Judges, or to bear a part in the decisions of this Court, for they were practising advocates in the Courts below, before those very Judges from whose sentence the appeal in question was made. This was in itself manifestly a great evil, and a practice that was highly objectionable; for, however learned those gentlemen might be, and however honourable and equitable their decisions might be, no men should be placed in a situation like this, one day acting as practising barristers in the Court below, and the very next day called from that Bar to decide upon points, exactly similar to those which they had been arguing before the Judges in that Court from whose decision the appeal had been made. Another objectionable feature in the constitution of this Court was, that in the selection of the Civilians to sit upon it, they were extremely limited in their choice; they could not, of course, select the Judges; they could only choose from amongst the advocates in those Courts which were not crowded with barristers like the Courts of Westminster Hall; and as most, if not all, of the most eminent of those advocates had been employed in the cause in the Court below, they of course could not be appointed to decide upon an appeal in a cause in which they had been engaged as counsel. The natural tendency of such a state of things was, that this appeal from the Court below was sent for decision to Judges. composed, not even of the leading barristers in that inferior Court, but of the junior barristers, who had not as yet obtained any business, and of other barristers who, from accidental circumstances or otherwise, had got no practice at all. The result was, that frequently barristers of not more than one year and a half's standing were called on to preside in this Court of Appeal as Judges. The constitution of this Court had been long complained of, and so early as the reign of Charles 2nd petitions had been presented to the Crown, praying for a revision of the appellate jurisdiction of the Ecclesiastical Courts. There was no direct formal appeal from the sentence of the High Court of Delegates, but power was given to the party against whom sentence was pronounced, to petition the Crown for the appointment of a Court of Review, and that petition was usually referred by the Crown to the Lord Chancellor, who advised the Crown as to whether such a commission should issue or not. If the Lord Chancellor advised the Crown in the affirmative, a Commission of Review was then appointed to examine into, and decide upon the sentence pronounced by the High Court of Delegates. That Court was a much more extended one than the Court of Delegates. Many Lords, spiritual and temporal, were appointed upon it, with several of the Judges, and its decision was final on the subject. It seemed, for these reasons, expedient to the Commissioners of

Ecclesiastical Inquiry to recommend, and he fully concurred in the recommendation, that the High Court of Delegates should be abolished: one grievous hardship arose from the inability of that Court to impose costs on the party who appealed to it, and against whose appeal it might have decided, for in that way serious expenses were entailed on the party in whose favour the Court below had rightly decided, and against which decision a pauper, perhaps, had thought fit to appeal. The Bill, therefore, which he now presented to their Lordships, and the first reading of which he should conclude by moving, went to abolish the appellate jurisdiction of the High Court of Delegates, and to transfer it to the Privy Council. It would, of course, be necessary that they should have his Majesty's pleasure as to the transferring of this appellate jurisdiction to the Court of Privy Council, and it would be also proper to provide, that that Court should sit at regular seasons for the despatch of the business which would thus come before it. It would be here naturally asked by their Lordships, what additional burthen would this throw upon the Privy Council? It appeared from an average of the last thirty years, that the number of appeals to the High Court of Delegates had been only three or four annually; but it was certain, at the same time, that those cases occupied considerably more time than cases in other courts of law, and it was also certain, that the number of appeal cases at present averaged from eight to ten annually. He apprehended that the number of appeals to the Privy Council would be even more than that, and the question was, what step should be taken to enable that Court to discharge more readily and easily its present high functions, as well as to get through the additional business which this measure would throw upon it. If that Court sat at regular intervals, and if it had a regular Bar practising before it, it could be denied by no one that there would be a greater number of appeals from the colonies than were made to it, constituted as it now was. It was, therefore, intended, that should this Bill pass, some arrangement should be made by the exercise of the Prerogative of the Crown, to enable that Court to discharge its functions more readily and speedily. The great number of retired Judges at present, who were all members of that Court, would considerably facilitate the discharge of the business which might be thus brought before the Privy Council.—The noble and learned Lord concluded by presenting the Bill, which was then read a first time.

EXPLANATIONS.] The Bishop of *Exeter* rose to present a Petition from the Archdeacon and Clergy of Totness, diocese of Exeter, against the Government System of Education in Ireland. He would take the liberty, with their Lordships' permission, to avail himself of that opportunity to say a few words, in reference to some observations which had been made in the course of a debate in that House a few nights ago. Wishing, as he did, most carefully to avoid any reference to any thing unpleasant which might have occurred on that night, he was anxious to set himself right with the House on a matter of fact. Their Lordships would remember, that the other evening he denied that he had ever stated, that the letter of a noble Duke (the Duke of Buckingham) to his Majesty had been published in a certain newspaper. He asserted, that he had never stated any such thing, that he merely stated, that the letter in question had been alluded to in the newspaper, and he made that assertion then, on his recollection of his former statement. He understood that that former statement of his had been published, and had excited considerable discussion in the newspapers at the time; but as he (the Bishop of Exeter) had, immediately after making it, gone into the country to attend to the discharge of his episcopal duties, it so happened that he had not read any report of what he had then said, until within the last few days, when, on referring to the ordinary records, which were, he believed, understood to be authentic accounts of the proceedings in that House, he found the following words attributed to him on that occasion:—'About the 23rd of January, or some such 'period, there was a direct allusion in *The 'Times* to a supposed correspondence be'tween that noble Duke, whom I have 'now the happiness to see in his place, 'and his Majesty, as well as between a 'noble Duke and his Majesty's Secret'ary.'* It appeared, therefore, that all he had then said, was, that there had been an allusion made in *The Times* to the noble Duke's letter. It would appear, indeed, from what then fell from the noble Earl at the head of his Majesty's Government, that the same notion which he (the Bishop of Exeter) entertained was passing through his mind, for he found that the noble Earl was reported to have used the following words :—'The noble Duke gave no copy 'of it, and I can say, upon my honour as a 'Peer, that I gave none. I certainly did 'communicate it to my colleagues: it was 'my duty to do it; and I think I can say 'for them, as I assert for myself, that it 'was not from them, nor from any person 'connected with them, that any part of the 'letter, any allusion to it, or abstract of it, 'found its way into the public papers. 'No person was more astonished than I 'was when I saw it. I do not know whe'ther it is necessary for me to say more 'upon this subject, but I can safely say, 'that what was printed did not proceed 'from his Majesty's advisers.'* It was plain from this, that the noble Earl understood the matter in the same way that he (the Bishop of Exeter) did at the time. He would make no further reference to any thing unpleasant which might have occurred the other night, and he had only made this reference to it in order to set himself right with their Lordships.

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* Hansard (third series) vol. xii. p. 366.

The Marquess of *Londonderry* said, that he had a few observations to address to their Lordships, which, he conceived, he should not be out of order in making on this occasion. He was not in his place the other night when the debate occurred to which the right reverend Prelate had alluded, or he should then have called on the noble Lord opposite to explain some particular circumstances, which proved incontrovertibly, as he thought, the connexion of *The Times* newspaper with his Majesty's Government. When the former debate, to which allusion had been also made, occurred, he thought that he should be out of order in referring to this publication; but he conceived that he was now perfectly in order in calling the noble Lord's attention to it. The circumstances of the case were these :—About the end of the month of February, he was called on to present a petition to his Majesty from the city of Londonderry. He presented it to his Majesty at the levee on the 29th of February. He might have been wrong in reading the petition to his Majesty, in order to explain it; and, certainly, his Majesty, on that occasion, replied to him in a manner which, he thought, might give pain to the feelings of the petitioners. Such was his apprehension when he went home that day from the levee; and he, therefore, thought it proper to write a letter at once to the Private Secretary of his Majesty, stating the circumstances which had taken place at the levee, and wishing to know whether it was his Majesty's pleasure that he (the Marquess of Londonderry) should communicate to the petitioners as the answer to their Address, that answer which had been given to him by his Majesty. In reply, he received a letter from his Majesty's private-Secretary, stating that his letter had been referred to the Secretary of the Home Department, from whom he would receive a communication on the subject. It was on the 29th of February he had presented the petition at the levee, and, on the 1st of March, the very answer that the King had given him, he read in *The Times*, and no doubt it was communicated from the same quarter as was the statement with regard to the letter of the noble Duke (Buckingham); and on the 2nd of March, in the morning, he saw in *The Times* the whole account of the letter which he had written to his Majesty's Private Secretary, and of the circumstances which he had stated in it; and not only that, but an account of the answer which he received from the noble Viscount (Melbourne); and if their Lordships had any doubt as to whence that information which appeared in *The Times* was derived, in order to set that doubt at rest, he had only to add, that he did not receive the answer of the noble Viscount until late on the evening of the 2nd of March. He had the paper in his possession, and he would read to their Lordships the following extract from *The Times* published on the morning of the 2nd of March :—'We hear that a correspondence 'has followed the scene which we de'scribed as having taken place at the levee 'on Wednesday, and in which a noble 'Marquess took a conspicuous part. His 'Lordship, it is said (although we can 'scarcely credit such an act of indiscretion, 'even in Lord Londonderry), wrote to the 'King, to inquire whether the gracious 'observation which his Majesty addressed 'to him, on the presentation of the petition 'from the "Prentice Boys of Derry," was 'to be transmitted to them as his Majesty's 'answer to the Address? The proper offi'cer was directed to refer the noble Lord 'to the Secretary of State for the Home 'Department, who lost no time in reply'ing to his Lordship's inquiry, that no 'instance was on record of the "prentice

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* Hansard (third series) vol. xii. p. 367.

'boys" having claimed or exercised a privilege similar to that enjoyed by the Corporation of London or Dublin, of presenting their addresses to, and receiving an answer from, his Majesty on the throne.' The noble Marquess proceeded to observe, that he had felt it necessary, as briefly as possible, to state these facts to their Lordships. The circumstance weighed so strongly on his mind, that when he afterwards met the noble Viscount (Melbourne) on his way to the House, he told him of it. The noble Viscount admitted that it was an extraordinary circumstance, but he denied that there could be any possible connexion between the Government and *The Times* newspaper. It did, however, appear to him that some explanation was necessary on this subject. He could scarcely believe that the information to which his observations had reference could have come from the Private Secretary of his Majesty. It struck the noble Viscount opposite, in the same manner that it struck him, as a very extraordinary occurrence. He positively declared, that no one knew of this communication to the Private Secretary of his Majesty, at the time that it was made, but himself, the noble Viscount, and that individual. He declared to their Lordships, upon his honour, that he mentioned it to no person. No individual could have been acquainted with the circumstance, but himself and the gentleman to whom his note was addressed. This being the case, the circumstance which followed proved to him incontrovertibly, that some—he knew not what—connexion subsisted between *The Times* newspaper and his Majesty's Government. He did not wish to go further into detail; but, if their Lordships required it, he would read to their Lordships the letter which he had written. It appeared evident to him, looking at the whole circumstance, that a communication must exist between some of the officers of Government and *The Times* newspaper. Nobody, he repeated, but the Private Secretary to the King, the noble Viscount opposite, and himself, knew of his communication. He alluded to the circumstance now, being satisfied that it was, really and *bona fide*, the duty of his Majesty's Government to show, that there was no connexion between any of them, or their dependants, so far as they knew, and *The Times* newspaper. By making this statement, he had now placed within their power the mode of discovering and finding out where that connexion existed. If they did not prosecute this inquiry, as he thought they should, then individuals would be left to draw their own conclusions. But the circumstance which he particularly adverted to on this occasion was not the only cause for his forming the opinion which he had done. If noble lords would look at and read that paper—if they would examine the whole course of its intelligence since the present Government came into office—they would find, that during the whole period of their Administration, *The Times* had stated and foretold all that Ministers meant to do. With these facts before him, he put it decidedly to the noble Viscount to say whether he had not a right to suppose that there was a connexion between some part of the Government and *The Times* newspaper, which they ought to endeavour to trace?

Viscount *Melbourne* said, that the statement which the noble Lord had made in the commencement of his speech might be true; but, so far as he was concerned, he knew nothing whatever of the matter.

The Marquess of *Londonderry*: The noble Viscount recollects my having stated those facts to him, and that at the time he expressed much surprise at them. Now I ask him whether, under that feeling of surprise, he has taken any measures to find out how these papers have come before the public?

Viscount *Melbourne* answered, that he had not taken any steps on the subject.

The conversation ended.

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HOUSE OF COMMONS,

Thursday, July 5, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Pusey, an Account of the Public Income and Expenditure for the years 1830, 1831, and 1832.—On the Motion of Lord Sandon, Copies of all Official Papers concerning the Finance and Administration of Justice in the Crown Colonies.—On the Motion of Mr. Courtenay, an Account of all Goods Warehoused in the Ports of Great Britain on the 5th of January, 1827, 1828, 1829, 1830, and 1831.—On the Motion of Lord Oxmantown, Copies of the Correspondence between the Treasury and the Post-office in Ireland on the subject of the dismissal of George Dallas Mills, and Clotworthy Devitt.—On the Motion of Mr. Hunt, all the Letters addressed by the Right Hon. the Secretary of State for the Colonies, in reply to Governor Darling's Despatches relative to the Punishment and Death of Private Joseph Sudds, late of his Majesty's 57th Regiment, dated 4th and 12th December, 1826, and 20th April and 20th May, 1829. Also, the portions of Mr. Wentworth's Letter of Impeachment omitted in the Return laid upon the Table of this House on 1st July, 1830.

Bills. Read a second time:—Fisheries (Newfoundland); Appropriation of Duties (Newfoundland).—Committed:—Tithes Prescription.

Petitions presented. By Mr. Leader, from eleven Places in

Ireland;—by Mr. Wyse, from ten Parishes in Ireland; and by Mr. Fitzgibbon, from Abingdon,—for the total Abolition of Tithes.—By Mr. Wyse, from Belfast; and by Mr. Williams, from the Protestant Dissenters of a Place in Ireland,—in favour of the Ministerial Plan of Education for that Country.—By Mr. Mackinnon, from the Society for Promoting Rational Humanity towards the Animal Creation, in favour of the Prevention of Cruelty to Animals Bill.—By Mr. Evans, from Leicester, for establishing Courts of Local Jurisdiction.—By Mr. Tyrrel, from Kelsale, in favour of the Labourers Employment Bill.—By Mr. Heywood, from Colne and Burnsley;—by Mr. Lennard, from Westerham;—by Mr. Wilks, from Tottenham; by Mr. Alderman Wood, from the Parish of Cripplegate,—against the Vagrant Removal (Scotland and Ireland) Bill.—By Mr. Wyse, from Carrick-on-Suir, for a more extensive measure of Reform for Ireland, and for a separate Representative to the above Town.

BANK CHARTER.] Mr. Gisborne presented a Petition from certain persons in the county of Derby, praying that there might be no decision on the subject of the Bank Charter formed during the present Parliament.

Mr. *Hume* expressed himself gratified by the intimation made to the House by the noble Lord, the Chancellor of the Exchequer, that this Session there would be no discussion promoted by Government upon the subject of the renewal of the Bank Charter. That decision on the part of Government, he considered a very judicious and proper one, inasmuch as the question was one of the most vital importance to all; and particularly as to the effect which, it was found by experience, could be produced by the powerful influence of the Bank, at its pleasure, upon the value of every man's property in the country.

Sir *Henry Parnell* was of the same opinion as his hon. friend, and hoped that the wishes of different classes would be expressed by petitions to the House in the mean time, so as to guide and assist the Legislature in coming to a prudent decision on this very imposing and important question.

Mr. *Robinson* regretted that any Committee on the question of the renewal of that Charter had been appointed this Session, as there was no Report to issue immediately from that Committee. The evidence, and the opinions of the Committee, had already, in fact, got abroad, which had the effect of interrupting, to a certain extent, public confidence, and the ordinary transactions of society. In an old Parliament, about to be sent back to its constituents, the agitation of the question would be highly injudicious.

Petition to be printed.

MINISTERIAL PLAN OF EDUCATION (IRELAND).] Mr. *James E. Gordon* rose to present a Petition against the Government Plan of Education in Ireland, signed by 14 Peers, 50 Members of Parliament, 157 Clergymen of the Establishment, and of Dissenters, and 3,500 persons of the highest respectability. This petition was agreed to at a public meeting at Exeter Hall, and, if the influence of the names appended to it had been used to procure other signatures, sixty, or seventy, or a hundred thousand might have been obtained.

Petition to lie on the Table.

Mr. *James E. Gordon* said, that in bringing forward his present Motion, he had two objects in view; the first was, to amend the Returns which had been laid on the Table, and which he found to be indistinct and inaccurate; and his second object was, to show from the result of experience, what was the effect of the new system of education. Hitherto they had been discussing theories, and investigating abstract principles, upon which differences of opinion might prevail, but they had at last arrived at the firm ground of experiments, the results of which could not be well disputed. The Government system of education had ceased to be a theory, and he would adduce conclusive evidence to show that it was, what was unjustly attributed by Ministers to the old societies, a completely exclusive system. The House would recollect how often it had been stated by Ministers and their supporters, that the greatest objection to the old plans of education was, that they were too exclusive; but that assertion he would deny; and it was clear to all who had inquired into the subject, that, whatever differences of opinion existed among the various societies having schools in Ireland, they all agreed in one thing, namely, the necessity of founding education upon the broad basis of Protestant scriptural truth. Now, he believed that could not be called an exclusive or narrow principle, and the real fact was, that that system afforded education to all denominations, without distinction. But what was the operation of the present plan? Nothing less than he had anticipated; as it was exclusive in principle, it became of necessity exclusive in practice, for it only afforded education to one sect. Formerly, literary and moral education were combined with scriptural knowledge, and a perfect harmony was produced, which could never emanate from the new-fangled system. He did not make these assertions lightly, or without sufficient authority. He had inquired attentively. He had written to Ireland, and he had received several communications, which he would not trouble the House by reading, but he had them before him, and he should have no objection to show any or all of them to the right hon. Secretary for Ireland. They were from most respectable persons, who had stated nothing privately which they were not prepared to state publicly, and to defy contradiction. It appeared by the Returns before the House, that the gross number of applications to the new board was 452, which, by-the-by, was an error. The real number of applications was 318, some of which contained applications for more than one school, and thus it was probable that the number 452 was made out. Of these, 209 were from Roman Catholic priests, combined with some Protestants. There were twenty-three from persons styled Protestant Clergymen, but he could show that out of this number there were only fourteen who were even nominally connected with the Established Church. There were eighty from the Roman Catholic laity.

Mr. *Stanley* said, no such applications would be entertained.

Mr. *James E. Gordon* was well aware of that fact. He was not stating the number of grants which had been made, but the gross number of applications. What had become of them was another question, to which he should, at the proper time, advert. There were next, thirty applications from Protestant clergymen and Roman Catholic priests. The hon. Member then proceeded to detail, with great minuteness, the particulars of those and the other applications, and contended, that to every impartial mind it must appear clear at a glance, that the schools, like the system itself, were exclusively Roman Catholic: for it was idle to say, that the few Protestants, liberal Protestants as they were called, who had joined the Catholics, had in the least deprived the schools of their character of exclusiveness. What was become of the 1,400 Protestant clergymen of Ireland? was their exclusion a proof of the universality of the system? Of the twenty-nine Protestant clergymen who were stated to have joined the priests in applications to the Board, there were three Presbyterians, one Dissenter, four Seceders, four Arians, and one or two names which had been put down, he would not say fraudulently, but perhaps by mistake. One of the latter gentlemen, the Rev. Mr. Colquhoun, upon seeing his name made use of in one of these applications, wrote in indignant terms to the Editor of the *Belfast Guardian*, and publicly denied the libellous aspersion. Having thus stated the nature of these applications, he should proceed to investigate the character of the schools to which Government had so liberally dealt out its bounty. The observations which he had to make, would be directed to the two or three dioceses where the new system had taken most root. It was from these that he had received his communications, in all fifty-three. In Carlow there was one of those schools, in which there was not a single Protestant. In a town in the county of Cork, called Clonakilty, there had been an exclusive Catholic school, under the superintendence of a Catholic lady, who had, as he witnessed, introduced the Douay version of the Bible; but that school had lately got under the patronage of the Board, and even that Bible was excluded. Such was the operation of the system, that the Bible, in all shapes, was expelled from schools. The statements which he had received from a variety of places in the south of Ireland, showed that the schools were exclusively Catholic, and that most of the Protestant signatures which had been used, had been obtained surreptitiously. In his opinion, the Government had no right to give public money to educate Catholics upon Catholic principles. He said this advisedly, and from a full consideration of the principles of the British Constitution. The hon. Member read several communications from persons in Ireland, illustrating their views, and concluded by moving for an amended return of all applications made to the Board of Education in Dublin, for new schools under their system, or for aid in behalf of existing schools.

Colonel *Perceval* wished to call the attention of the right hon. Secretary for Ireland, to some circumstances attendant upon the application of a grant for two parishes in the county of Sligo. An application, purporting to bear the signatures of the Protestant clergymen of each parish, was forwarded to Government, but, on inquiry, it appeared that such signatures were forgeries. This fact he had been earnestly requested to state to the House. So far from an inclination towards this system being entertained, he begged to inform the House, that he held in his hand petitions from both of the parishes, against the system which the Government had carried into operation.

Mr. *Stanley* said, that as the subject of Irish Education had already been twice before the House, he would not trouble them with many words. He would only beg to remark, that he differed altogether from the hon. member for Dundalk. He denied that the Protestant children in Ireland were uninstructed in the Scriptures. He stated this of his personal knowledge; and could refer to schools in several parishes, where he had examined the children, and found their scriptural knowledge fully equal to that of children in any school he had ever visited in England. He was ready to admit, that unless the population was exclusively Catholic, a Catholic chapel was not the fittest place in a parish to be chosen for a school; and, if there were objections among any number of the parishioners, to the selection of such a place for the school, and yet it was selected for that purpose, that was a fraud upon the Board. As to the books that were to be sent to these schools, he begged to say, that the Catholic Archbishop of Dublin was responsible, in his public and personal character, for the nature of these books; and he could not, therefore, readily suppose that improper books were sent. He thought that, under the restraint which the Board afforded, the education given would be of advantage to the public, even though it should happen that that education was given by a priest or a monk; but, certainly, it was by no means necessary that such persons should be the teachers in all the schools, and they might be objected to by some persons. With regard to the various accusations made, of forging names, and such things, he should require information from the Board, which information he would lay before the House. As to the subject of the hon. Member's Motion, he (Mr. Stanley) should be ready to give him the fullest information that could be obtained: but there had been a return made on this subject to another place, and he should wish the hon. Member would look at that return, and see how far it differed from what he wanted, and would then draw up his Motion so as to supply what he considered deficient in the first return. His reason for wishing this, was the great inconvenience of ordering several Returns, when one might be sufficient. If the hon. Member would withdraw his Motion for the present, and would do what he (Mr. Stanley) now suggested, he would undertake to move for the return himself, for he had no wish but to afford the fullest information.

Mr. *Dominick Browne* wished to take that opportunity of saying, that he had received a letter from the clergyman alluded to on a former night by the hon. member for Dundalk, when that hon. Member accused him of having banished the use of the Scriptures from the school of Ballinrobe. The letter-writer utterly denied the truth of the charge, and stated, that he had always been most anxious to use the Scriptures, and was most anxious that the earliest opportunity of contradicting the report should be taken. He trusted that the hon. member for Dundalk would, in future, take care to be well assured of the truth of such a charge before he made it publicly in that House. He begged leave to request, that the hon. Member would state to the House the names of the persons who had given him this information, which now turned out to be so utterly unfounded. In his opinion, the Kildare-street Society had done more harm than good in the county of Mayo, by their interference; and he knew an instance where, in the town of Wexford, their agent had given an unfavourable report of a school, which it afterwards turned out was most excellently conducted. A friend of his, who had heard that report, afterwards visited the school, and was surprised to find it the very contrary of what it had been represented. When he found that he had been thus deceived, he stated the matter to the Marquess of Downshire, who, on the representation thus made to him, felt it to be his duty to institute inquiries into the matter, and an excuse was then given for the report, which he (Mr. Browne) would not characterize nor repeat.

Sir *Charles Coote* said, that he believed the instance referred to by the hon. Member who had just taken his seat, was not the only one in which the Kildare-street Society had acted with partiality and injustice. There was a school supported partly by the Kildare-street Society, and partly by Erasmus Smith's charity. That school was exceedingly well conducted, but a complaint was made by the Kildare-street Society, that an usher there was a Catholic, and they intimated that they must withdraw their support if that usher was not dismissed. He was, in justice, also bound to state, that they intimated that, at all events, they should be compelled to withdraw their support if the Parliamentary Grant should not continue to be made to them.

Mr. *Shaw* thought there must be some error in the statement of the hon. Baronet. The school, it appeared, was partly supported by Erasmus Smith's charity, and partly by the Kildare-street Society. Now, the latter were not likely to have made the objection to the Usher because he was a Catholic, for it was not their custom to do so, but the Board of Erasmus Smith's charity most probably did, for they were obliged to do so by the very terms of their charter. While he was in possession of the House, he would take advantage of the opportunity, in order to ask the right hon. Gentleman opposite, whether it was true, as he had been informed, that in a school under the management of the Dublin Government Board of Education, among a list of books put up in the school, were reading lessons from St. Augustin, and from St. Bernard, and that these books were to be paid for by the new Board?

Mr. *Stanley* believed that the Board did not send down separate books to the schools under their management, for the separate classes of scholars who attended those schools. It was, therefore, possible, that the books mentioned by the hon. Member might be among those sent down by the Board, and it was equally possible that they were good books, for he had no doubt that a Board, like that of Dublin, could find things in the writings of St. Augustin and St. Bernard that were equally fit for Protestants and Catholics.

Mr. *Shaw* continued. It was supposed, that the Protestants in Ireland were favourable to this scheme of education there, but the fact was, they were forced to concur, often by threats, in the system which was supported by so many Catholics around them. Twenty-eight clergymen in the whole of Ireland had joined with the Roman Catholic clergymen in approval of the plan. With respect to the Protestant laity, he denied that this was any criterion by which it could be shown that they had voluntarily joined in seeking the protection of the new Board. It had been alleged to the General Assembly of Scotland, that the Scriptures were permitted to be read in school-hours, and he wished to know from the right hon. Gentleman what the facts were.

Mr. *Stanley* said, he had brought down the whole of the private correspondence that he had had with gentlemen in Scotland on this subject, so that any one might see what communications he had had with that country, and how little the exclusive system was admired there. He had held out, in every letter that he had written to Scotland, as he had in every speech he had uttered in that House, that the direction of the local schools should be subject to local managers, so that, if the Protestants desired that their children should have instruction in the Bible on each day in the school, nothing would be easier than for them to send their children a little earlier, or allow them to stay a little later [Mr. *Shaw* asked, if the Bible was not to be taught in school hours?]. It was not, because many Catholic parents objected to their children reading the Bible as a school-book, and it would, therefore, be improper to introduce it in the ordinary school-hours, for the effect of that would be, to prevent the Catholic children from being sent to school. These things he had fully explained in his letters to Scotland, and, at a large public meeting, a petition, which he should shortly have the honour to present, had been agreed to, in favour of the present plan, which had also received the approbation of a Church Assembly there.

Sir *George Murray* was sure that these details of the right hon. Gentleman's plan could not have been understood in Scotland, or they would not have been approved of there. He was glad that the right hon. Gentleman had thus explained, that the people of Scotland might now understand, that the reading of the Bible formed no necessary part of the system of national education proposed by the right hon. Gentleman.

Mr. Alderman *Wood* said, that the children of people of different persuasions might well be mixed together in the same school; and, if they were all treated alike, there would be no disagreement. He himself had been the founder of a school, in which there were 1,000 boys and 500 girls, where the children were composed of all sects—of Jews, Catholics, Protestants, and Dissenters, and where the system of education had never been interrupted by religious differences.

Mr. *Andrew Johnston* said, he had been at some pains to satisfy himself as to the nature of the communication made by the Solicitor General of Scotland to the General Assembly; and he was happy to find, on the best authority, that it was in perfect accordance with what the right hon. Gentleman had stated. When, therefore, the Presbyterians saw that there were to be local managers for each of the schools, he could not see what objection they could have to the plan. At all events, he trusted their good sense would induce them to wait a season, and see how it worked. After the concession made by the Secretary for Ireland, he thought it was only just they should do so.

Mr. *Pringle* did not think that the Presbyterians of Scotland would be satisfied with the proposed modifications.

Mr. *James E. Gordon*, without further troubling the House, would beg leave to withdraw his Motion.

Motion withdrawn.

TITHES (IRELAND)—MINISTERIAL PLAN.] Mr. *Stanley* said, that at this late period of the Session, on the eve of a dissolution of Parliament, and after so long and laborious an attendance on the part of hon. Members, he would willingly have refrained from bringing forward a subject so complicated in its details as that of Tithes in Ireland, and the discussion of which, however he might wish to avoid it, must almost necessarily lead to warmth, if not to asperity; but, looking at the state of Ireland—at the condition of the clergy of the Church of England residing there—at the entire disorganization of society—and at the absence of power in the law to insure its own execution—he should be wanting in his duty, and the other members of the Government would be wanting in theirs, if the present Parliament were suffered to separate without having the existing state of the sister kingdom, and the mode in which it was proposed to treat the evils of the present system, laid before it. One of those evils was, unquestionably, the mode in which tithes were collected; and he might here take occasion to advert to an expression he had used on a former occasion, and which had afterwards been made the subject of remark, that the present Government looked to the extinction of tithes. Hon. Members would do him the justice to recollect, that he had, on the same occasion, coupled that remark with the statement, that although Government might look to the extinction of tithes, no man could contemplate the absence of some payment, arising out of the land, for the maintenance of the Protestant clergy. No man who dispassionately and fairly weighed the words he had used, would be of opinion that they conveyed more than an acknowledgment of the now urgent necessity to commute tithes for some other species of payment. He did say then, and he repeated now, that the present Government was anxious for the total and entire extinction of tithes, in the manner in which they now pressed upon the industry and resources of Ireland. He begged the House to consider what, in this country, as well as in Ireland, but especially in the latter, rendered tithes a mode of payment peculiarly obnoxious and objectionable to the labouring and agricultural portion of the community. First, it was clear that the tithe system was no fixed and definite payment, but a progressively increasing claim, pressing most heavily upon the person who applied the largest amount of capital and industry upon his land. This was the point of view in which tithe was considered to be a most objectionable and grievous burthen, both in England and in Ireland, because the system was not only unjust, but it also tended to check national prosperity, to paralyse the efforts of industry, and to throw on the labouring and industrious tenant a greater burthen than was borne by the comparatively idle tenant. Another reason for considering the tithe system objectionable—and this cause existed to a greater extent in Ireland than England—consisted in the exceedingly minute sums and portions in which the tithe was paid, and the exceedingly minute articles of produce on which it was charged. Great as this evil was in England, it was much more severely felt in Ireland, because, in the latter country, the subdivisions of land were carried to a greater extent, and, consequently, the two characters of farmer and labourer were more commonly combined together. The holding of land being thus extremely small, every additional charge was felt as an additional encumbrance. But the system was objectionable in Ireland in a still more important view than this, and it was a point of view which did not appertain to England. In England he had always thought it objectionable that the Protestant clergyman should be supported by his Protestant parishioners, by means of his applying to them for a separate payment for his use and benefit, for he had always thought, that it was placing the clergyman in an extremely invidious position. But it must be taken into consideration that, besides the extreme minuteness of the holdings in the vast number of parishes in Ireland, the payment was made by a Catholic parishioner to a Protestant clergyman, with whom he might feel, in too many instances, that he had no tie, except that of demand on the one hand, and of payment on the other. He entreated the Protestant Members of the House to put themselves in the place of the Catholic peasant, and arguing, not from reason or from justice, but from what would be their feelings, say, whether this was a position in which they thought it desirable that a Protestant clergyman should be placed with reference to his Catholic parishioners. The point upon which the Church, so far as he knew, had always laid the greatest stress, and for which there was, undoubtedly, reason and justice, was, the right to a progressive increase of the clergyman's emoluments in proportion to the progressive increase in the value of the land. The reason was obvious, for an increase in the value of the land implied an increased population, which, if it were in accordance with the religious opinions of the clergyman, implied an increased portion of labour thrown upon the Protestant clergyman, which, perhaps, would be no more than adequately remunerated by the increased payment arising out of the increased value of the land. But, if this were a good point for the Church in England, it certainly could not be urged in Ireland, for there the increased value of the land, arising from an increased population, had, in many districts, thrown neither more labour nor responsibility upon the Protestant clergyman, so that his income was considered a mere tax upon the industry of the Catholic population, with whom he was placed in hostile collision, whilst, to use their own expressive phrase, they received no return for the payments they made to him. He was not there to argue that the view of the Catholic peasant was the real, substantial, or just view; on the contrary, he had always contended on a different side, that the payment was not a payment from the Catholic peasant to the Protestant clergyman, and that, if the tithes were removed from Ireland to-morrow, the burthen, except during the continuance of existing leases, would be neither more nor less felt by the population of the country than at present. If it were possible to remove the tithe, as well as if it were possible to remove any other tax, or—as he feared the word "tax" would be objected to, that was not, perhaps, quite the correct expression—if it were possible to remove, all over the country, any other charge which bore upon agricultural produce, and increased its price, the consequence probably would be, that the price of produce would fall in the market; but, if the charge were removed from Ireland alone, whilst it was left upon England, as the English market regulated the price of Irish produce, if the cost of production remained the same in England, it was clear that an additional profit would be derived from land in Ireland. But, looking to the competition for land in Ireland—looking to the enormous rents persons promised to pay, knowing they had not the means to pay, and which they were not afterwards called upon to pay, because their landlord also knew they had not the means of paying it, he did not think it too much to assume, that the additional profit to be derived from the land, would find its way, not into the pocket of the tenant, but, necessarily and naturally, into the pocket of the landlord, either in the shape of increased rent, or in the shape of increased facility to the tenant to pay the rent he agreed to pay, and which was only not exacted on account of the impossibility of his complying with the demand. He considered, then, that if tithes were altogether removed, no pecuniary benefit would result to the occupying tenant of the soil. But this he said, that if the occupying tenant of the soil be exempted from the payment of tithe to the Protestant clergy, even though he should be called upon to pay precisely the same sum to his landlord, there would be a real and substantial benefit afforded to him, not only in relieving his mind from the feeling of being constantly urged to make a payment out of his pocket to a clergyman of a different religion, which he felt to be galling, if not insulting, but a pecuniary benefit, and a real remedy for a crying grievance. As he wished, as much as possible, to avoid all topics calculated to excite asperity of language, he would pass over the multifarious abuses which, by the consent of all men, had prevailed under the system of valuation and Tithe Proctors; that system had not only led to the grossest frauds, but it had been a fruitful source of animosity, bloodshed, and crime. More injury had been done to the Protestant cause and religion in Ireland by Tithe Proctors than by any other circumstance that could be named. Some years ago, the right hon. Gentleman opposite (Mr. Goulburn) had removed part of the practical evil, by the passing of the Tithe Composition Act; which put an end, wherever it came into effect, to the system of taxation varying with every season. He would, in justice, exempt the clergy from the charge of being exorbitant in their demands on the parishioners; but, as composition was made only for a period, at the end of that time the evils were renewed. The Act, where carried into execution, put an end to many evils, at least for a time; but, as the arrangement was only to continue for twenty-one years, at the end of that time an increased demand on the part of the clergyman arose, his income was revised, and revised under circumstances not tending to lessen the annoyance, and suppress the heart-burnings. It was, unquestionably, a great benefit in the Tithe Composition Bill, that it equalized the burthen upon arable and pasture lands—a permanent, as well as a moderate assessment, was fixed upon both. It had often been suggested, that it would be better to commute tithes for land-tax, inasmuch as it would spread equally and justly over various descriptions of soil; and, where the Tithe Composition Bill was in operation, it amounted, in fact, to an equitable land-tax. The measure, however, failed to produce all the good effects expected to flow from it, from defects in its construction; he did not mean to impute the slightest blame to the framers of the bill, but one part of his plan would be to remedy those defects. He well knew the difficulties with which Ministers had, in former times, had to contend on this subject, and he was well aware also of the increased difficulties under which he himself must inevitably labour. The measures met, at that time, the approbation of all sides of the House; especially of those Gentlemen who supported the Catholic interest, though no Catholics had then seats in the House. But the bill was rendered in a great degree nugatory by the enactment, that the adoption of the composition should be entirely optional with both parties. There was, in many counties, a large proportion of grazing land, which, according to the tithe laws of Ireland, was exempted from the payment of tithes, and in those counties it was, consequently, the interest of a large number of the landed proprietors and occupiers to resist the composition. He did not mean to deny, nor could it be denied, that there were a great many instances in which the clergy refused to compound. In many cases the fault lay with the clergy themselves; but, in the greater number of cases, he thought it might be found that—a thing which, considering the peculiar circumstances of Ireland, was not at all surprising—the occupier endeavour to take advantage of the composition, so as to defraud the clergyman of his just income. It would be found, he repeated, that in many instances this was the real cause of the clergyman's refusal of the composition offered by his parishioners. On this ground, therefore, he regretted that the Act had not been, in the first instance, made compulsory. But there was another reason, also, for which he thought it desirable, that in every parish the composition should be enforced, unless it was intended to continue the old system in all. For, when the tithes had been compounded for in one parish, whilst the old mode of collection was continued in the parish adjoining, it followed, as a necessary consequence, that the comparison rendered the burthen of the old tithe system more intolerable to that parish in which the composition had not been accepted; and the discontent was not diminished by the certainty, that they had no means of removing, under the Act, the inconvenience which they felt from its non-adoption. His second objection to the Act was, that the composition was entirely temporary, and that, at the same time that it made no provision for an additional charge, proportioned to the increasing value of the land, yet if, at the end of twenty-one years, the occupier should refuse to pay an increased tithe rate, proportioned to the improved value of his lands, the clergyman might renew the old tithe system with all its errors, and with all the odium in which that system was held in Ireland; and it was not to be supposed that the odium would not be increased by a comparison with the relief which had previously been experienced. At the same time, it was to be borne in mind, that the shifting of a part of the burthen from tillage land, which hitherto had borne the whole, to pasture, which had been wholly exempt, tended to increase the average productiveness of the whole parish, and, with the increased productiveness, the claim of the clergyman would of necessity increase. Having now stated his objections to the existing law, he would proceed to explain the nature of the alterations which it was his intention to propose, and to what extent he hoped to remove existing grievances. In the first place—and to this he apprehended there would be no objection—he would recommend that the composition should be compulsory; in other words, that the amended Composition Act should be made compulsory in its operation, and permanent in its effect. He would not deprive the clergy of that increase of income which they might justly derive from the improved value of the land. But, at the same time, he would provide that the occupier should not have his burthens increased by the decrease of the price of agricultural produce. He proposed to give the cultivator the benefit of all the industry and capital he might apply to the land, but he would have the income of the clergyman increased in proportion to the advance of price, not to the increase of produce, the composition being varied according to a valuation taken every seven years. Now the compositions were renewable every twenty-one years; he would have them renewable every seven years, modifying them by the average price of agricultural produce. He proposed to give to every parish a certain period, within which it should have an opportunity, by agreement with the clergyman, of entering into a composition according to the terms of existing compacts. But all parishes that should not avail themselves of this power before a certain day named and specified in that Act, should have the arrangement made for them in the following manner, which, after every consideration that he had been able to give to the subject, appeared to him to be the most effectual, and less liable to objections than any other. His proposition was, that the Lord Lieutenant of Ireland should be empowered to name a Commissioner, who should examine into what the parish already paid to the clergyman for its tithes, and, having ascertained this point, the Commissioner should fix the amount as the future payment to be made to the clergyman by way of compensation. The Commissioner should be guided by the average price of agricultural produce for the last seven years. One of the greatest difficulties of the former Act was felt in fixing the amount of the composition. According to former arrangements, a gross sum was to be taken, say *500l.*, which it was proposed to charge the parish with for the tithe to be paid the clergyman, estimating that amount from the average produce of the land from the year 1814 to 1821. If the composition were to be entered into now, when agricultural produce had fallen in price, it would be necessary that the sum should be taken at *500l.*, as that was the amount according to the standard under the law. Any composition, therefore, entered into now would give the clergyman an income of one-fifth for the next seven years, more than he would be equitably entitled to. At the same time, it must be obvious, that in regulating the composition from 1832 to 1839, the Commissioner ought to be guided by the average value of tithes for the last seven years preceding 1830; because, as every Gentleman must be aware, occurrences had taken place, which would justly exclude the last two years from the calculation. He should, therefore, propose, that the valuation for the next seven years be regulated by the average yearly income of the incumbent from 1822 to 1830; but, that the valuation for the seven years now next ensuing, that is, from 1839 to 1846, should be made according to the average value of the tithes, or to the average price of agricultural produce, for the seven years immediately preceding—that is, from 1832 to 1839. Whatever was the amount fixed, he should propose that it should be liable to variation every seven years, according to the averages of the market prices. He conceived that nothing could be more fair than a revision every seven years by the average of the market price, and that, by such revision, it should be fixed and determined what the parishioners should have to pay to the clergyman, by way of composition for the succeeding seven years. He trusted that he had sufficiently explained himself upon that part of the subject, and that he had made himself intelligible to the House. He would now come to another part of the subject. There could be no doubt that it was the intention of the right hon. Gentleman who framed the Tithe Composition Bill, to make the landowner practically responsible for the tithe, as he was, according to the intention of the law, ultimately the payer of it. In order to leave no doubt that the landlord was the real payer of the tithe, that Act declared, that in all cases in which the landlord should have let land tithe-free, the occupier should pay the proportion applotted to his holding, and should charge it upon the rent; and the Act gave the incumbent his remedy against the occupier, by every means which the law previously allowed to the landlord for the recovery of his rent, even to distress and ejectment. The immense subdivision of land in Ireland, for the tithes of which the clergyman had to prosecute the parishioners, caused a practical defeat of the right honorable Gentleman's whole scheme. The clergyman, in fact, had to levy the fractions of a penny, or twopence, or threepence, upon his parishioners; and in these proceedings the poor were subject to the payment of four or five shillings, or even of pounds, which was exacted of them as legal expenses, and this was independent of the bribes which the agent of the clergyman exacted of them without the knowledge of the clergyman himself. There was, also, this grievance and peculiar hardship in the plan. There being two sums to be paid, one to the landlord, and the other to the clergyman, say of 1*l*., the entire rent, 19*s*.6*d*. to the landlord, and 6*d*. to the church, if the landlord's share should have been paid, still the tenant would be liable to be put to as much expense for the recovery of the 6*d*. due to the clergyman, as he would before have been subjected to, had he neglected to pay the whole sum of 1*l*. tithe and rent. In many instances where land was sub-divided into numerous holdings, the poor cottiers had been put to an expense of several shillings, in default of payment of one penny tithe. Now, the object which he (Mr. Stanley) had in view was, to impose the burthen really, and in the first instance, not upon the miserable and insolvent cottier, who happened to occupy the soil, but upon the solvent and legally responsible landlord. In legislating for that object, it was necessary to take into consideration, not only what was desirable, but what might be found really practicable. If he had to deal with England, or with any other country in which the relation between landlord and tenant was thoroughly understood and acted upon, and in which there was but a small separation between the landlord in fee and the occupying tenant, he should be disposed to recommend, in the first instance, that the incumbent should go at once to demand his tithe of the owner of the fee, from whom it was really due, and who was always supposed to be ultimately the payer. But in Ireland difficulties were to be encountered which did not exist in this country. In most cases, the occupying tenant was many degrees removed from the actual landlord, and, in many cases, the owner of the fee had parted with every advantage of proprietorship, except the claim of a fee farm rent, which could never be increased. Thus a great part of the land was let to the immediate tenants upon leases for lives, renewable for ever, and by those tenants again underlet to others, perhaps also upon leases of the same kind, and by these again to others; so that there intervened several middlemen between the owner of the fee and the actual occupier. He (Mr. Stanley), therefore, proposed—though he was ready to admit, that on principle the arrangement might be liable to many objections, and was not itself so beneficial as he could wish, but which, under all the circumstances of the case appeared free from very many objections to which all other systems and schemes appeared to him to be liable — he proposed that the last lessor having an interest—whether by lease or in fee—beyond that of a tenant-at-will, should be responsible for the payment of the tithe composition; and, when the lease of the person so held responsible for the tithe should have expired, the whole charge should fall upon the holder immediately above him, and so on until the owner in fee simple was reached; thus making each responsible until the period in which he had an interest in the property expired. By this plan, in every case, the person having to make a new arrangement with those who should in future hold land under him would become responsible. By that arrangement, too, it was obvious, that, at the expiration of existing leases, the actual landlord—that is, the person ultimately receiving the profit rent—would be the actual payer of the tithe. The next consideration was, how the amount of the composition was to be received, after it had been determined upon whom the burthen was to fall. It would be a serious evil if, after all, the incumbent should be compelled to resort to the old mode of distress—to come down upon the land, and rack the tenant—for dues really owing by the landlord. He would, therefore, propose to abolish distress for tithe. He would recommend, instead of that mode of recovery, that the person owing the tithe should be liable to an action for damages, or that he should be liable to the proceedings in the Civil Bill Court: and, if he should remain for one year in arrear, he should then be liable to have a receiver appointed to his estate, who should pay over the balance, having deducted the tithe due. [*Hear.*] If Gentlemen who cried "hear" would only consider calmly the subject, in all its bearings and effects, if their object was to relieve the occupying tenant, they must see that in what he proposed the landlord was not, by any means, too hardly dealt with. The proceedings which he had the honour to propose for the adoption of the House, were no more than the ordinary proceedings for the recovery of a mortgage under the present law of Ireland. The landlord had the selection of his tenants, and the option whom to accept and whom to reject; and, if the tenant could not pay his landlord, surely it was not reasonable that the clergyman should suffer. He meant further to propose, that if the occupying tenant should choose to anticipate the demand of the incumbent, by tendering eighty-five per cent of the tithe composition next becoming due, he should be allowed to make the full charge of 100 per cent against the landlord, as so much rent paid; and, on the other hand, if, in cases in which the tenant was bound to pay the composition, the landlord chose to anticipate the demand by paying eighty-five per cent, he should be allowed to charge the full amount of 100 per cent against the tenant, as rent due. He had now gone over the principal provisions of the first Bill which he proposed to introduce. But, in doing so, he had omitted to state, that, although it was his intention to make the present compositions compulsory, yet, as they had been originally entered into voluntarily, it should be provided, that wherever either party, the incumbent or the parish, should make out reasonable grounds for supposing that the composition had not been fairly made, a Commission should be sent by the Lord Lieutenant to adjust the future composition; and as, in the last year, it might have happened, from the unsettled state of the tithe question, and from the expectation that some alterations were about to be introduced, many parties had omitted to appeal in the last year, who would, therefore, by the existing laws, lose the right of appeal, he should provide, that all compositions terminating previous to November, 1831, should be still open for renewal or re-adjustment to November, 1832. He had stated, he believed, all the provisions which he intended to propose in the first Bill he should have the honour of submitting to the consideration of the House. By it the Tithe Composition Act would be made permanent and compulsory; by it the composition would be a fixed payment, not liable to any fluctuations, except those arising from the price of corn, and that assessed and applotted as the most equitable land-tax possibly could be. That would be substituted for the present odious system of tithe-law, with all its pressure, with all its increase of charge on honest and industrious individuals, and would produce nominally, as well as really, that benefit to the occupying tenant, which would, he trusted, relieve his misery, and which would, certainly, relieve him from distress for tithe, and would charge the tithe upon the person having a permanent interest in the land. That charge, however, would not be thrown upon the landlord till the term for which he had let the land expired, when he would have to enter into a fresh covenant with his tenant for the rent. The second Bill which he should propose was one which would, undoubtedly, make a considerable innovation, and which would be objected to—on the one hand as confirming the unalienable property of the Church in tithes; and, on the other hand, as tending to weaken the hold which, by the present law, the clergy had upon the land, for the security of their income. He was most desirous to avoid everything which could give rise to acrimony of discussion, and he should, therefore, only state that, whatever difference of opinion he might have with those with whom he acted upon other questions, it was not his intention to do away with the control which the Legislature might assume over the property of the Church. Whatever opinions he might have expressed at any time upon that subject, to such opinions he alone was pledged. But there was nothing in the arrangement which he was about to propose, that could in any way affect the power which the House could have over the property of the Church. His proposition would only go to substitute one kind of property for another. But that would be no less under the control of the Legislature than the property which the Church held at present, and it would be less subject to the influence of any outbreak of popular violence. Be tithes objectionable or not, no man could wish to see them, or any other kind of property, got rid of by a popular combination. It would be dangerous to the peace of the country, and to the security of all its institutions, if the property of the Church were allowed to be done away with by a combination, which might easily be rendered applicable to the county-rates, or to the rent of land, or to any impost sanctioned by the Legislature. Whether or not the property of the Church was to be wholly at the disposal of the Legislature, it was, at least, under the protection of the Legislature, and it was not to be left to the undisputed control of popular violence and combination. Much had been said, sneeringly, of the sufferings of the "pampered clergy;" but was it the rich clergy who alone were suffering? Gentlemen might make light of the sufferings of the wealthy and pampered Church of Ireland, but ought they to make light, not of the sufferings of those to whom the loss of tithes was a comparative trifle, but of the hard-working and poorly-paid clergy of Ireland, of whom he was sorry to say, there were many? Look, again, at the situation of the lessees of tithes. They were bound by contract to pay a certain amount of tithe, and yet might be unable to obtain a single farthing from the occupying tenant. What, too, must be the situation of persons who, upon what they had fancied secure grounds, had insured their lives, made settlements and family arrangements, and done everything relying on the power of the law to maintain its own work? Was all that to be overborne, not by the decree of the Legislature, but by a system of intimidation and combination, which, however, objectionable the tithe-system might be, could not, and ought not to be suffered in any civilized nation? Look, again, at the lay-impropriators of tithes; were they treated with more tenderness than the clergy? And would any man tell him whatever might have been the original meaning of that property, that their possession of that property was not the possession of proprietors in the strictest sense of the word? Would any man tell him that it was possible for any human being, under the sanction of the laws, to advance a stronger claim to property? Yet, the whole of this was to be swept away and got rid of, by a mere declaration on the part of the people that they would not pay; and that, although the law might take their goods, they would, by their combined exertions, render it impossible to sell them. If that were the case, it was the bounden duty of the Legislature to substitute for that species of property, which was so liable to attack, another species of property, which should not be open to the like objection. His object, therefore, was not to determine in any way the question as to the extent to which Church property was at the disposal of the Legislature, but to prevent that property from being under any other control than that of the Legislature, and of the Church itself. Thus he would have the whole body collecting for the whole body, and dividing the proceeds amongst them in due and equitable proportions; of course treating the whole, not as private or personal property, but as Church property—to be applied for the service of the Church and of religion. The second Bill which he should move for leave to introduce, had for its object to constitute the Bishop and beneficed clergy of each diocese into a corporation for the purpose of receiving the tithes for the whole body, and dividing them, for their common benefit in the proportions to which the respective parties would be now entitled to them. This mode would, he conceived, be of the greatest possible benefit to all concerned, and it would be consistent with strict justice if they considered the property of the Church, not that of the individual, but of a whole body in trust for a common purpose. By constituting the Bishop and beneficed clergy of each diocess a joint body, for the purpose of collecting the tithe, all grounds of angry collision between any individual clergyman and his parishioners would be removed, for the inhabitants liable to tithe in each parish would not then have to arrange with the individual clergyman, but with the whole body. It would also be for the advantage of each clergyman to be joined in a mutual risk and mutual gain with the whole body. It was also of great importance, that individuals liable to the payment of tithe should have the advantage of dealing with this body, either for the composition of tithe, or its commutation for land. It was also his intention to propose such provisions as would enable the corporation so formed in each diocess to make purchases of lands out of such sums as might be paid for the redemption of tithes, facilities being created for such redemption in the manner in which the redemption of the land-tax went forward in England. It might not always be easy to find a portion of land to meet the value of a particular amount of one tithe, where the tithe payer was disposed to redeem it by an exchange of land, but, in that case the joint body, as having the command of the joint-stock purse, might treat with four or five parishes disposed to redeem their tithes, and enter into an arrangement with the whole at once, and thus, what would be difficult in the case of one parish, might be easily and satisfactorily settled when the body had to include four or five or more parishes in the arrangement. The Bill for the commutation of tithes, which would throw the burthen of them on the land, was on the same principle as that of the land tax redemption in England, or the redemption of quit-rent in Ireland—that was, that the party liable to the charge in each case might redeem it, and the money thus paid for the redemption of tithe would go to a fund, as a provision for the clergy, in the proportions to which they were at present entitled. In order to facilitate this redemption by the owner of the land, it was proposed that persons whose estates were already encumbered might still mortgage them for the further sum necessary to redeem the tithe, this latter mortgage to have precedence of all others at present on the land. It might appear, at first, that this would not be fair towards the other creditors, but it was the opinion of the Committee, from the evidence which they had before them, that, so far from this plan being objectionable to the other creditors, they would willingly consent that the new mortgages should have the priority, inasmuch as it would give a greater security for the payment of the other claims on the land. He proposed also to introduce a measure to enable landlords to sell or exchange a portion of their entailed estates for that purpose, as well as to create new encumbrances, for the purpose of freeing the whole from the burthen of tithes now affecting them. In making an arrangement of that nature, it was thought expedient that the incomes of the clergy should be calculated at fifteen per cent below their actual value; and it was also intended, that the landlords should be enabled to purchase up the tithes of their respective estates, at the price of sixteen years' purchase, which would, in effect, operate as a deduction of fifteen per cent upon the income of the clergy. He would take the income of the clergy of the Established Church, derived from tithes at about 600,000*l.* per annum, for the purposes of his argument—it was not important that he was minutely correct; whether accurately stated or otherwise, the numbers he should use would equally well explain his argument. This 600,000*l.* a-year, taken at sixteen years' purchase, gave a total of 9,600,000*l.* With that sum, land could be purchased, at eighteen years' purchase, for the use of the clergy, and which would give them a safe and complete rental of 510,000*l.*; and thus in lieu of the fifteen per cent, they would have increased security and diminished trouble. Supposing the landlord to get the money by which he was to redeem the tithe, at five per cent interest, and purchasing the whole tithes for 9,600,000*l.*, that would leave him only 480,000*l.* a-year to pay, and would thus have the effect of making the whole land of Ireland chargeable with 120,000*l.* a-year less than what it had now to pay. He did not, however, say that the money might not be had at a less rate than 5*l.* per cent, and that led him to a point which he deemed well worthy of the attention of the House. In a matter of such great importance, and where so great an object was to be attained, it might be expedient to advance money to landlords, for the purposes of redeeming their tithes at a less rate of interest than five per cent. It might be that some landlords would abstain from availing themselves of those advantages which the Bill offered—it might be that some landlords, blind to the pecuniary advantage to themselves, insensible to the benefits accruing from the removal of a fertile source of discord, indifferent to the sources of increased income which the agricultural improvements consequent upon a restoration of tranquillity, must produce, might still be slow to assume, not a pecuniary burthen, but a pecuniary advantage. To such landlords he proposed to hold out the additional inducement to rid themselves of the burthen of tithes, by supplying them with funds for that purpose at a lower rate of interest than five per cent. Not only was it intended, then, to leave it open to landlords to purchase up the tithes affecting their property, and to give every practicable facility and convenience for doing so, but it was likewise intended, to put it in the power of the State to purchase any amount of tithes, in any part of the country where it might be found expedient, of course leaving the Ecclesiastical Corporation formed in the diocess to dispose of the sums, so invested, as in every other case, for the benefit of the parochial clergy. Having now stated the several propositions which he intended to submit to the House, he had only to add, that he was sure the House would agree with him in thinking, that the several conveyances to be made under these Bills ought to be freed from stamp duties, auction duties, and fees for searches in the Registry Office. Such immunity was, no doubt, a great indulgence, but the object was so important, that he was sure hon. Members would agree with him, that such a sacrifice was well worth while making. These were the whole of the measures which he intended to submit to Parliament, for the purpose of making a final adjustment of the Irish tithe system; and the House would perceive, that the Bills, when introduced, would bear upon each other at the same time; that the House could not fail to see that the first and second might be adopted, and carried into beneficial effect, without any aid whatever from the third Bill. But, though they might all be considered as parts of one great measure, it must be obvious that the first and second could be carried into beneficial operation without the third; it was not, therefore, his intention to introduce the third Bill in the present Session. As to any further measures with respect to the Church—as to any other appropriation of its funds, he certainly did entertain opinions, individually, which he should be very slow to abandon. There was no man more anxious to be instrumental in bringing about reforms of the acknowledged abuses existing in the Church. He should be most anxious to see a greater equality established than at present was to be found amongst the members of that body; he desired to see a closer approximation between the incomes of the laborious and the dignified clergy. He wished for an arrangement which would confer a reasonable competence upon the humble curate, which would increase the number of benefices, and diminish the number of unions, which would spread throughout Ireland a resident Protestant gentry, useful not only as clergy, but as gentry spending their incomes—engaged in works, in which they were never backward, of kindness and of Christian charity. They would, in such circumstances, not only be a useful body of Christian clergy, but of individuals supplying the place of the absentee proprietors. He was aware, that in effecting the changes which, under these Bills it was intended to bring about, the promoters of such measures should proceed with boldness, though, at the same time, not without caution; but respecting this there could not be a second opinion namely; that whatever changes might be required in Church government, must be brought about by the instrumentality of the Church itself; but he should, nevertheless, be the foremost to affirm, that it was the right and duty of the Legislature, and in the highest degree incumbent upon it, to take the lead, if the Church itself did not, in rectifying abuses—in correcting the distribution of property—in confining it to ecclesiastical purposes — in removing a well known cause of discontent, arising out of the payment of Church cess and rates by Catholics. He was sure that the clergy of the Established Church would rejoice in being relieved from that responsibility to their successors which arose from their possessing their present powers, and hence, he had no doubt they would gratefully hail a measure which would strip them of those powers. The charges to which he alluded were certainly of trifling amount, but they were a source of continual irritation—of endless opposition—of petty jobbing, disgraceful alike to all the parties concerned, and, he was sure, universally offensive to the clergy themselves. As a means of removing this grievance, he looked to a fund arising from the First Fruits. In England that revenue was applied to the improvement of the livings of the poorer clergy, but in Ireland it went to repairs of churches. The sum derived from it in Ireland was very small, but, by a better administration of it, it might be applied to relieve the Catholics from the payment of the Church cess and Church rates. He did not intend to introduce any measure on the subject in the present Session; but, if a general composition of tithe should take place in Ireland, it would not be difficult to make the First Fruits available for the purpose of shifting the present obnoxious rate from the Catholics in Ireland. Steps, he thought, might be adopted for rendering the First Fruits' Fund more productive than heretofore, and better fitted to supply the place of the Church cess, so fertile a source of heartburning and discontent. He hoped that in laying these plans before the House, he had succeeded in abstaining from any violent or angry expression, in thus treading upon ground most delicate, and he might add, most dangerous. Viewing it in that light, he entreated the House, in the discussion that might ensue, to proceed with all calmness and temperance, for the measure with which they were engaged was one which deeply affected the peace and tranquillity of Ireland—a measure by which it was hoped that a good understanding might be established between the Protestant clergyman and his Roman Catholic parishioners, from whom it would be reflected to all classes, Protestants and Catholics, and thus might they look forward to a time when religious dissensions would be at an end. The right hon. Gentleman concluded by moving for leave to bring in a Bill to amend the provision of the Tithe Composition Act—to extend those provisions—and to render them permanent and compulsory; and also, a Bill to establish Ecclesiastical Corporations in the several Dioceses in Ireland.

Mr. *James Grattan* could assure the right hon. Gentleman, that he was disposed to give him the fullest credit for abstaining from all topics which could be considered likely to produce angry feelings, or irritation of any kind, and he could assure the House, that in rising to move an Amendment to the Motion, he was in no way actuated by any feelings of hostility towards his Majesty's Government. He was induced to adopt this course, from a feeling he entertained, that a subject of such great importance as this, coming home to every individual in Ireland, and of equal importance to Protestant and Catholic, could not be properly disposed of at that period of the Session, and in the present state of their information. He was satisfied, and every day's experience convinced him more and more of the fact, that the more his Majesty's Ministers considered this matter, the more they examined into the subject, the more impressed would they be with the difficulty of carrying into operation a general plan of composition of tithe throughout Ireland. The right hon. Gentleman said, that the system of combination which existed in Ireland was injurious to the welfare and prosperity of that part of the kingdom. In that opinion he cordially concurred, and therefore it was, that he could wish that his Majesty's Ministers would make such a declaration, and that the House would agree to it, as might confidently assure the people of Ireland that this subject would be duly weighed and considered. If such a course were adopted, they might possibly put a stop to those extensive and dangerous meetings throughout Ireland, which, though not illegal, were the means of deterring many respectable gentlemen from living in that part of the kingdom. He admitted, fully and fairly, that the state of society in Ireland was such, that the evil arising from it must be remedied in some way or other; but it could not remedy it to adopt the proposition of the right hon. Gentleman. The right hon. Gentleman had entered into the details of the Composition Act, which was brought into this House about five years since, by the late Chancellor of the Exchequer. The right hon. Gentleman eulogized the justice and equity of that Act, which he compared to a land-tax. In that praise he could not join, for it was not by any means a fair composition; nor was it on the principle of a fair land-tax. The House would be induced to suppose, from the speech of the right hon. Gentleman, that that measure had succeeded. The fact was, however, that it had completely failed; for it was well-known, that the first opposition to the payment of tithes displayed in Ireland, broke out in a compounding parish. When the right hon. Gentleman, therefore, proposed to proceed upon that Act, he proposed to proceed upon a measure that was the original cause of all the hostility which had been displayed, too often with most disastrous results to the payment of tithes in Ireland. In speaking on this subject they were discussing nothing new, but, in fact, treating of an old and hackneyed point. Forty or fifty years ago, his father brought the question before the Irish House of Commons; he brought in a bill similar to the Tithe Composition Act; and, had it been adopted at that time, the measure might have proved effectual. That bill was rejected, however, and now the time had gone by when a Tithe Composition Act would have satisfied the people of Ireland. It was in evidence before the Committee, that it was now impossible to introduce, with any hopes of success, measures which would then, probably, have succeeded. He would venture to say that there was not one witness who advocated such a measure as this: and he might almost venture to say, that there was not one person intimately acquainted with Ireland, who would rise in his place and say, that a scheme of this kind could be carried into beneficial operation. He would state to the House why this Composition Act was not a fair or a satisfactory measure. It was an Act which merely shifted the burthen of tithe from one individual for the purpose of imposing it upon the shoulders of another. The right hon. Gentleman talked about shifting the burden; why, the fact was, that, by so doing, all parties would be hostile to the measure. The small farmer would be opposed to it, because it acted upon his small portion of land, and the large farmer would be opposed to it, because it would affect his large quantity of land. The tithe composition, for this reason, was obnoxious to the people of Ireland before. It was well known to every Gentleman in that House, that the burthen of tithe was shifted by the landed proprietor upon the land occupier. The tax thus became oppressive and intolerable to the poor, and hence arose those scenes of disturbance, and murder, and outrage, which had been of too frequent occurrence in Ireland. What did this Bill do? It placed the yeomanry of the country in arms against the peasantry. Did the right hon. Secretary for Ireland hope to succeed in extending and making permanent and compulsory, a measure which had been the chief cause of the disturbances in Ireland? Could he hope, by applying such a measure to that country, to alter the present state of things for the better? He must do the right hon. Gentleman the justice to say, that he had given every facility for procuring the most impartial and valuable evidence upon this subject. It might be objected, that there were not Catholic Gentlemen on the Committee, but he was bound to say that, in every respect, fair play had been given. Catholics had been examined before the Committee, such as Dr. Doyle, and fifty individuals well acquainted with the subject; and, whether they looked to the evidence of the Police Magistrates, of the Dissenting Clergymen, of the Roman Catholic Bishop, or of the Protestant Dean, they should find that they all agreed, that there must be an entire change in the system of tithes. They told the Committee that the collection of tithes, under the present system, was impracticable, and that an army could not effect it in some parts of the country. With this evidence, it would have been much more satisfactory to the people of Ireland, if, instead of this Bill, a plain declaration had been made by his Majesty's Ministers upon this subject. A general Commutation Act could not be carried into beneficial operation, because the tithe system was anomalous; because the amount of tithes was different in different parishes, and because so much depended upon the character of the clergyman, and the severity or kind treatment of the tithe proctor. When the former Composition Act came to be carried into effect, some of the people were tolerably well satisfied; others, who were severely mulcted by the tithe proctor, on the other hand, were dissatisfied; and, when the parishioners of the different parishes met at fairs or markets, and compared notes, they found that one neighbour paid more or less than another, although the quality of the land, in both cases, was exactly the same. They found that the taxation was not levied in proportion to the value of the land, but that its amount depended, in a great measure, on the different characters of the respective proctors: thus they were dissatisfied, and the system became more and more unequal every day: some of the peasantry paid, and some did not: some of the clergymen received the whole of their dues, and others received scarcely anything. That there must be a complete and entire revision of the present Composition Act, he was quite certain; and he had no objection to its being revised by Commissioners appointed for that purpose. Let the right hon. Secretary beware how he irritated the people still further, by enforcing this unsuccessful Act. But that, however, was not all; the proposition of the right hon. Gentleman went further. It not only went to extend this Composition Act, but actually to charge the owner of the soil, and it carried with it this additional aggravation—that a receiver might be appointed for the owner's rents, in addition to his being rendered liable. It went, therefore, to commit an act of injustice. The Tithe Composition Act went very far, but the right hon. Gentleman proposed to go further. He must most strongly and decidedly protest against an Act of Parliament which would lead to such unjust results. The right hon. Gentleman knew, for it appeared in evidence before the Committee, that, under the operation of the former Tithe Composition Act, many individuals paid large sums for tithe, of which they never received one farthing from the occupying tenant. Mr. Bermingham, an extensive land-agent, who was examined before the Committee, produced his books, and showed, that in one instance *50l.* had been advanced to a clergyman on account of his tithes, of which not one shilling was afterwards recovered. When such difficulties as these interposed in the way of a composition of tithe, he must conjure the right hon. Gentleman to be cautious how he proceeded. The right hon. Gentleman proposed that a certain class of individuals should collect the tithe. As a landed proprietor, he declared that he would much rather suffer a pecuniary loss than undertake this collection. Another objection he had to make was, that it was not known what the tithes were really worth. The right hon. Gentleman said, that he had taken the average from 1823 to 1830. He had been chairman of a vestry, and, when the clergyman's books were examined, they had been kept in so slovenly a manner, as was the case with many other things in Ireland, that nobody could make anything of them. The tithe was put down certainly, but in such a way that it was utterly impossible to make out what its amount was. He would not trouble the House at any greater length. He was sorry that he had felt it his duty to detain the House for so long a time, and he should not have done so had he not certain resolutions to propose for its adoption. He would not allude to the other Bills to which the right hon. Secretary referred; they were certainly measures of great importance, but there was no doubt that the main subject for consideration was, the first very important measure which he had to-night submitted to the House, and it appeared to him, that the other Bills might, very judiciously, be laid by for the present. As to the Bill for the commutation of tithes with the landlord, all he would say was, that it was not a very proper measure, nor was it brought forward at a proper time. He would only further add, that he had no wish or intention to despoil the Church. Having made these observations, he should now propose certain Resolutions, as an Amendment to the proposition of the right hon. Gentleman. They were as follows:—

"Resolved,—That it is essential to the peace of Ireland, that the system of tithes in that country should be extinguished, not in name only, but in substance, and unequivocally.

"That in coming to this Resolution, we recognise the rights of persons having vested interests, and declare that it is the duty of Parliament to provide for those persons, by making them a just compensation.

"That we also recognise the liability of property in Ireland to contribute to a fund for supporting and promoting religion and charity; but that such may, and ought to be quite different in the mode of collection, and much lighter in effect, than that raised by the system of tithes.

"That we are also of opinion that the mode of levying and the application of such fund, and its distribution, ought to be left to the decision of a reformed Parliament."

Mr. *Carew*, in seconding the Resolutions, wished it to be understood that he was not acting in hostility to men with whom he had for twenty years co-operated. On the contrary, he gave them the fullest confidence, and was satisfied of their anxious devotion to the interests and prosperity of Ireland and the empire. There was very much in the speech of the right hon. Secretary of which he highly approved, and, at an earlier period of the Session, he should have been prepared to have voted for the Bill, with the expectation of correcting the details in the Committee; but at this late period of the Session, he could not consent, without deliberation, to enact what might be a permanent injury. He had not attended the meeting of Irish Members, because he was unwilling, either by his silence or otherwise, to be implicated in measures of which he might disapprove; but when the Resolutions were put into his hand since his entry into the House, he could not, as a conscientious man, dissent from them. He had always recognized the liability of the land to a certain assessment, and he fully agreed in the justice of the present incumbents receiving a fair equivalent; all he asked was, that at an early period of the ensuing Session, either by Parliamentary Commissioners or otherwise, an investigation should be had into the circumstances and property of the Established Church, so that while on the one side the working clergy should be more adequately remunerated, on the other the sinecures and redundance of the Church should be reduced, and the Church property be made more commensurate with the wants of the Protestant population. In so speaking, he wished to guard himself from misinterpretation—he spoke as a sincere Protestant. He had through life opposed what was called Protestant ascendancy. He should, with equal vigour, oppose any attempt at Catholic ascendancy. He gave his unqualified approbation to his Majesty's Ministers, and while they continued to hold the scale with justice and impartiality, they should have his support. He was himself a lay impropriator of tithes to a considerable amount, but he was willing to make any sacrifice for the public good, and he was satisfied that, by a Reform in the Church Establishment, and better management of the Church property, not only would the Protestant clergy be paid in such a manner as they ought to be paid, but a large surplus would remain, to be appropriated to the purposes of charity, payment of the clergy of all persuasions, to the extinction of Church-rates, or any other purpose that the State might think fit.

Mr. *Sheil* said, that the right hon. the Secretary for Ireland had recently objected to a motion relative to Poor laws, because Parliament was on the eve of dissolution; he then felt that a reforming Parliament was in a great measure divested of its legislative functions, and that when it had only a few weeks to live, it should not, in *articulo mortis*, engage in any great enactment. Wherefore did he not apply that sentiment to his present proceedings? Wherefore, at the close of this self-condemned House of Commons, did he bring forward a measure by which the permanent interests of Ireland might be effected, and which, according to the evidence of the Archbishop of Dublin, was to be ultimately extended to this country? Nothing but absolute necessity could justify this course. But would this measure give food to the clergy, or arrest that spirit of insubordination which was traversing Ireland with such gigantic strides? When the clergyman stretched out his hands for bread, would they gvie him this hard, this barren, this petrified piece of legislation? According to the statement of the right hon. Gentleman, it would take a year to bring the Bill into operation. In the interval, the clergy were to perish, and the hundreds of thousands were to continue to assemble. Did the right hon. Gentleman think that gathering the people in Churches to appoint Commissioners, would tend to produce a very conciliatory disposition? Would the sight of the altar at which they do not worship—of the pulpit from which they hear no consolatory intimation—of the rich pews on whose crimson cushions they do not bend their knees—would all the pride, and pomp, and glorious circumstance of legal religion, tend to inspire them with affection for its ministry? On the contrary, by collecting the people in enormous masses, liable to inflammable emotion, the right hon. Gentleman would but exasperate them, and increase the dangers of the country. But who were the witnesses that recommended the extension of the tithe composition? The right hon. the Secretary for Ireland had not appealed to the evidence of one. He begged the House to examine the testimony given before the Committee. The first person that objected to this measure, was the Protestant Archbishop of Dublin. He says, in his evidence before the Lords —'The account that is generally given is, ' in the first place, as I have already said, ' that universally the opposition is quite as ' strong to composition rent as to tithe, and, ' generally, the clergy have given it as their ' opinion, that if it had been introduced ' perhaps earlier, and had been made com- ' pulsory and universal, it might have pro- ' duced good effects; but I have met with ' very few, if any, who think that it can be ' of any benefit, now the system of opposi- ' tion to it is as fully organized as against ' tithes.'

'Then your Grace is not of opinion that ' the rendering it compulsory now would ' be a sufficient remedy for the present ' evil?—I am inclined to think that it is ' too late.

'Does not your Grace believe, that the ' mere circumstance of a composition would ' be so great a relief to the majority of ' small farmers, that it would tend consi- ' siderably to allay the present excite- ' ment?—I rather doubt that; because I ' have found the opposition now prevailing ' to be as strong against composition, as ' against tithe. I formerly stated that I ' had inquired particularly upon that point.'

The next witness he would refer to, was Mr. Dunn.—'Are you also acquainted ' with the Tithe Composition Act?—Very ' well.

'How do you consider it to have ' worked?—The Tithe Composition Act ' has everywhere disappointed the expect- ' ations which were raised when it was ' first introduced. There can be no ques- ' tion but that it has afforded great relief ' to the small farmers, while it has thrown ' increased burthens upon those farmers ' holding large tracts; and it had the com- ' plete effect of bringing under payment ' for tithes a great portion of the country ' that heretofore was exempt, under the ' custom and the law of agistment in Ire- ' land.'

Mr. James says, 'I consider that the ' Composition Act is another cause of the ' opposition to tithes, for that has raised a ' cry against tithes from parties who did ' not object before.'

'Do you object to the principle, or to ' the details of that Act?—To both, par- ' ticularly to the principle.'

How did the right hon. Gentleman get over the difficulties of the tithe composition? He said that he would require the landlord on all new leases to pay the tithe. How was he to manage in the interval? A generation must be in the grave before his Act would come into operation. If so, why precipitate the measure, when its application must be so slow? And what would he do if the landlord did not pay? The right hon. Gentleman said, he would put a receiver on his estate. What, if the landlord did not himself get his rents? No matter, a receiver still; a receiver with all the costs and ruin that accompany that incubus on property. The right hon. Gentleman said, too, he would allow tenants for life to mortgage, to cut off remainder men, and to give security to the mortgagee who advanced his money to buy up the tithes, over all creditors. Thus he would shake and disturb the whole frame of property in Ireland, and overthrow all the fixed rules and canons of the law, to consummate his favourite project. The right hon. Gentleman said, that professional men had given their opinions in favour of this scheme. Who were they? He had not mentioned one. What Barrister of eminence was examined? What man of great talent at the bar, and enjoying the confidence of the country, had approved of this strange speculation? Was the right hon. Gentleman aware, that by taking this course, he was likely to put all the gentry of Ireland at the head of the population, and to array and marshal them against tithes? Did he not know that the Irish Protestant House of Commons, in 1735, passed a Resolution against the tithe of agistment, and confirmed it by an Act of the 40th George 3rd, c. 23? Or did he imagine, that the progeny of such progenitors would acquiesce in a tax at which their fathers spurned? Would they not consider it an invasion of property to make their lands liable to that tithe of agistment from which it was exempt by Act of Parliament? And would they not be tempted to join the cry for the Repeal of the Union, when this was the fashion of English legislation? In truth, the Government was doing the Church the greatest detriment by taking this course. Look to the evidence of the Archbishop of Dublin. He said, in answer to this question :—

'Have you ever considered any advantage that might arise from substituting a corn rent, charged upon the proprietor, instead of the investment in land?—I have considered that plan, and I think it would be an improvement upon the present system.

'Do not you think it would be an improvement even upon the plan of investment of land?—I think it would be acceptable for a few years, and then I have not the least doubt that the next generation, at the latest, will raise a complaint: saying "It is very hard that the landlords are alone to pay the clergy; they ought if they are to bear this burthen, to be allowed such and such privileges and advantages, in the shape of Corn laws or bounties, or the burthen ought to be in part taken from them and laid upon other classes of society." ' It would be quite forgotten in the course of one or two generations, that they had in fact received an equivalent; that their lands had been disburthened of the *onus* of tithes; and it would be represented, perhaps before the middle of this century, but certainly before the end of it, that the landlords were unjustly burthened by alone paying the clergy, who were of equal benefit to all classes; and I think the Church revenues would, in consequence, be in great danger.'

So much for the tithe composition. He would next come to the diocesan corporations. This was a proposition of the Archbishop of Dublin, who said, that he devised the plan with a view to England, not having Ireland in contemplation, and drew it from the model afforded him by the management of the funds of the University. It was easier to transfer a professor to an Irish Archbishopric than to apply the fiscal system of a college to a turbulent and distracted country. Good God! had not the Government enough to do—had it not sufficient difficulties to contend with without creating those sacerdotal Corporations in every district of the country. English metaphysicians and political economists might indulge in these reveries, but who was there that had seen Ireland, not with a hasty and rapid glance of mere migratory curiosity, but with the eyes of close and intimate observation—who was there that had read those events which supply the best commentary on the moral condition of the people—who was there that was acquainted with the feelings of Ireland, and in unison with them, who would not concur in denouncing this wild and monstrous scheme? What, at a time like this, with all the abuses of Corporations staring them in the face, not only to increase the number of these institutions, but to superadd the evils which were inseparable from every sacerdotal affiliation. Erect them, and you will soon abate them. Instead of framing props and buttresses for the Church, the right hon. Gentleman would but accumulate a new heap upon the tottering pile, and throw it at once into ruin. It was next proposed to expend 9,500,000*l.*, the produce of the sale of tithes, for the benefit of the Church. This was the recommendation of the Committee adopted by the Secretary for Ireland. 9,500,000*l.*! The Church had now a million of statute acres. Was not this sufficient? Would Parliament throw an additional mass of property into mortmain, make it inalienable, and thus swell the episcopal principalities with this portentous augmentation? Look to its effect on elections? What a preponderance it would give to churchmen at the hustings! Was this the object of the Ministry who had given Reform to Ireland? But what say the witnessess to this plan? Listen to Mr. Delacour, the Treasurer of the county of Cork, he said—'I conceive it would be a 'very impracticable measure. I should 'think, in the first place, it would be a 'very difficult thing to procure land; I 'think it must be a necessary consequence 'of that arrangement, that land would be 'procured in very distant and remote 'places, and I think it would interfere with 'the duties of a Christian clergyman to be 'at a remote distance from his parish.'

'Has it ever occurred to you, that by 'allowing the principal tithe-payers to ap'propriate small portions of land, and then 'bringing those portions together, that 'difficulty might be surmounted?—I have 'bestowed some attention to it, and I 'cannot view it but as a very confused 'plan.'

'Have you considered it at all to come 'to any final conclusion?—No, not at all; 'nor do I think myself competent to give 'an answer that should be thought satis'factory.'

'Would not the objection of making 'the clergyman a farmer be obviated by 'having an ecclesiastical commission, which 'should collect the funds and pay them 'over to the clergyman?—It might be so, 'but it strikes me as a system of compli'cation which would not be productive of 'good. I am afraid that that same feeling 'which now prevails with respect to tithes 'would gradually become operative, even 'upon tenants to such properties.'

Such was the evidence of a person of great influence and station, and to which he should again have occasion to revert. He might cite a variety of other witnesses, but he would not molest the House by accumulating evidence. He would only advert to two more topics introduced by the Irish Secretary. The right hon. Gentleman at the conclusion of his speech had said, that hereafter Catholics might be relieved from Church cess. Hereafter! Was it not a melancholy policy to delay what was just, and to press and precipitate what was most inexpedient, and at the same time most wrongful? Was not this a most strange mode of proceeding? It was admitted that the Church rate levied on Catholics for the purchase of the sacramental bread and wine, was most obnoxious and grievous—the abolition of this tax was left to some vague futurity, and at this moment the Government strained every nerve to carry a series of measures which would be repudiated and spurned by the Irish people. One of the last observations of the Secretary for Ireland was, that his opinions on Church property were unchanged—it never could be diverted from its present channel of appropriation. This announcement was made to Ireland by the Minister to whom her fortunes and rule were confided. As the hon. Gentleman had introduced the subject, it became imperative on the Irish Members to tell him, that Ireland would sue him and the Government to abandon this position. Here was the gist, and essence, and hinge of the entire case. They must strip the Established Church of its superfluities. He should not expatiate on this subject, but again appeal to evidence. His first witness should be Mr. Delacour, a Protestant (for he should only appeal to Protestant evidence on Catholic feeling), a man closely linked with the Church, the tenant of a Bishop, the son of a clergyman, and married to a clergyman's daughter. What did he say? Here was the evidence—

'Are the Committee to understand you to 'state, that it is the general opinion of Pro'testants, as well as Catholics, in Ireland, 'that, after paying the incomes of the pre'sent incumbents, the amount of tithes 'should be under a different appropria'tion?—I have scarcely heard any differ'ence of opinion upon that subject, even 'among the Protestant clergy.'

'Do you mean that there should be an 'appropriation to any other purpose? '—That is a question upon which I have 'conversed very little with any body; my 'private opinion is, that there may be 'such a revenue as would amply provide 'for the Protestant establishment, and also 'a residue that would be fairly and justly 'applicable to other purposes. Upon the 'whole area of Ireland, a revenue of 3*s*. an 'acre would produce 2,000,000*l*. of money; 'I think that would be more than would 'be necessary to cover the ecclesiastical 'revenues and the local taxation of the 'country.'

'Would you appropriate the tax which 'you propose to levy in lieu of tithe to 'those other purposes?—I do not go so 'far as to say, that I would do that, but 'I think there may be some arrange'ment that would enable the country to 'contribute a moderate proportion in the

'the pound, which might be applied to 'other purposes besides the payment of 'the clergy.'

The next witness he would quote was Mr. Wright, a Protestant, and employed as a Commissioner under the Tithe Composition Act—

'You mentioned that you thought it 'impossible to collect the tithes, or tithe 'composition, under the present system, 'and, that you would recommend some 'other way; will you be so good as to 'state what that is?—I certainly would 'abolish the tithes, I think, altogether, 'both those, that are under the Composition Act, and those that have been under 'the clergyman's valuation, that have not 'been compounded; I would sweep them 'all away, and I would then legislate in 'the matter of tithes, and I would give 'the clergymen what I thought was a 'wholesome provision; and I would make 'them come into the terms. What occurred to me is this—there are a great 'many Church lands and See lands, that I 'think might be appropriated to the use 'of the payment of tithes; I would from 'this form a fund; I would lessen the 'number of Bishops; I would then, when 'this was done, levy a tax—suppose a 'property tax, and let every man on the 'estate bear his portion of it: for I think 'any thing else coming forward will be still 'considered and deemed as a tithe, and 'will be viewed in that way; and I would 'hold that out to the people, and say, 'Here is a law for your benefit; and if 'they do not accede to it, let them abide 'the consequence.'

The next witness was Sir William Carrol, a gentleman of large fortune and high consideration. His evidence was this:—

'If the landlords, in fact, were to take 'the tax upon themselves and share the 'burthen with the people, is it your opinion that that would be a substantial 'redress of the evil?—It is not my opinion now; I think the time has gone by, 'and I think we have lost the tide in the 'affairs of tithes. There has been a tide 'in the affairs of tithes, which if it had 'been taken in time would have led to 'tranquillity; but, like all other legislation in Ireland, we have procrastinated.'

'What remedy would you suggest for 'the evil now?—I would give the people 'an education founded especially on general religious and moral principles, and I 'would assimilate the proportion of labourers in the vineyard of the Irish Protestant Church to that in England, considering their relative Protestant population. The labourer, is, however, worthy 'of his hire; and I would have those who 'are now employed receive their present 'income during their lives; but as I think 'the vineyard is overstocked in proportion 'to England, as the incumbents shall die 'off, they should not be replaced until the 'establishment is sufficiently reduced to 'afford a surplus fund, by which Church 'lands in general might be purchased up, 'and consequently the renewal of fines be 'done away with. Thus a fund would be 'left in the hands of Government, sufficient to pay a competent establishment 'of Protestant clergy, to increase the salaries of the juniors, who I consider are 'greatly underpaid at present, and also to 'effect (a consummation devoutly to be 'wished) the affording a certain annual 'income, or a comfortable habitation, with 'land, to the clergy of the other persuasion; thus giving them a stake in the 'country; and doing away with a total 'dependence for support on the contributions from their flocks. In fact, the 'shade of religious difference between the 'latter and the Protestant Church is not 'very great, and would be still less if exempted from the feelings and prejudices 'of party, which fan and keep alive antipathies as unnatural between Christians 'as detrimental to the prosperity of Ireland.'

Now, he begged the House to hear a Protestant dean, Dean Blakeley:—

'Your idea is, that the Church is to 'give up all security whatever, and to depend upon the Government for the payment of its income, and that that security is not to be based upon land, but 'upon the security of the Government?—'What I mean to say is simply this, that 'the present incumbents of benefices, and 'the present owners of Bishopricks, are 'not in any way to be interfered with, 'save and except with their own voluntary 'submission; but I do conceive, that the 'Legislature have a right to devise a prospective plan whereby all men in the 'country shall be amenable to it. If my 'deanery became vacant to-morrow, the 'Crown has the disposal of it; who can 'say he is injured by it if the Legislature 'were to impose a new mode of maintaining them and a new division of their 'labours?'

This was the language of a Protestant

Dean. Now, he requested the House to listen to the head of the Presbyterians of Ireland. It was common for men to talk of the "Protestants of Ireland" as all united in defending the revenues of the establishment, and the House was often told that the million of Irish Presbyterians were devoted to it. The Committee have examined but one Presbyterian, a person of the highest intelligence and worth, who was once moderator of the body of which he was the ornament. Let the House hear him.

'Are you a Presbyterian in the Church 'of Ireland?—I am.'

'You were moderater of the General 'Synod of Ulster?—I was, in the year '1818—19.'

'How is the moderator chosen?—By 'the votes of the constituent members of 'the Synod, the ministers, and elders.'

'Can you state to the Committee what 'are the feelings of the Presbyterians in 'general with respect to the payment of 'tithe, considered first, as a tax affecting 'land, and next in the light of a religious 'payment to a Church from which they 'dissent?—So far as I know the views of 'the Presbyterians upon that subject, and 'I think I know them pretty extensively, 'they are all, or almost all, opposed to 'the payment of tithes.'

'Do they object to it as a tax affecting 'the advance of agriculture, or as dis'senters from the established Church?—'They object to it on a great many 'grounds.'

'Will you have the goodness to state 'them?—they object to the tax, because 'they conceive, in the first instance, that 'its amount is greatly disproportioned, 'even where there are episcopal Protest'ants, to the service rendered by the 'clergy of the established church. In 'many cases they object to the positive 'amount, considering that it is a heavy 'tax upon their capital and upon their 'industry.

'What are the views they entertain of 'tithe as a contribution to a church from 'which they dissent?—They consider it, 'as in itself, an unjust imposition; I speak 'as to my conception of their general feel'ings and views. I think that the great 'body odissenters of all denominations, 'Catholics and others, equally look upon 'it as unjust in its own nature. They 'consider, that the very idea of payment 'is connected with service performed, and 'they therefore think, that where there 'is no service rendered they have no right 'to pay. Where the great majority of 'the people are opposed to the Establish'ment of the country, it is impossible 'that a majority should be satisfied to 'support, out of the fruits of their indus'try and capital, the clergy of a compara'tively small minority.'

Such was the language of a man holding a most eminent place in his body, and commanding the respect of Ireland; and, with this evidence before him, the Irish Secretary told the House, that the Church property was to remain untouched. Vain and preposterous hope! The Irish millions—Catholic, Presbyterian, and Protestant—would disabuse him of his error, when that error was lamented, but could not be repaired. And what did the right hon. Gentleman, a few days ago, utter in that House? In speaking of the evils of delaying reform, he asked whether, if the Tories, when in power, had adopted measures to correct the abuses of the Church, Ireland would be in such a condition. Surprise was produced by this observation. The right hon. member for Tamworth, in a parliamentary whisper, said, across the Table, "Do you remember your speech in 1823?" Who was there that did not remember it? But with what consistency did the right hon. Gentleman talk of reform in the Church one day, and produce such a mockery of reform as this on the other? These measures were mere impostures. They would but aggravate the evil. A new word might be fabricated for such original proceedings—they would but "East Retfordize" the Church.

Mr. *Gally Knight* observed, the hon. and learned member for Louth has not brought forward a single argument which should induce this House to postpone the consideration of the first Bill proposed by the right hon. Secretary for Ireland (all that he wishes to be considered now) till another Session. If the hon. and learned Gentleman desires a proof of the necessity of proceeding without delay, he will find it in the state of Ireland; and, Sir, if he sees danger in collecting together inflammable crowds, as he says must be the consequence of carrying the provisions of the Bill into effect, I will suggest to him, that, if those inflammable crowds are told that they are never to pay tithes again, the effect will be the very reverse to what he apprehends. Sir, I think it most desirable that the first Bill should be considered without delay; the first Bill is a substantive measure by itself; a measure of unquestionable benefit; a measure which would be the first step in any case; a measure which does not of necessity involve ulterior considerations. It must be obvious that the substitution of a rent-charge for tithes, with the opportunity of redemption upon advantageous terms, can only be a great benefit. The collision of the tithe proctor with the peasant, the mutual inconvenience of the collection of very small sums from a great number of individuals, and the religious feeling connected with this subject in Ireland, would all be got rid of by the virtual substitution of a redeemable land-tax for the present system. Were you to abolish tithes at once, and substitute a redeemable land-tax to the same amount, it would come to the same thing; and, therefore, it would scarcely be reasonable to object to a measure, of which the object is to accomplish the same thing in another way. But we are told by some, that the abhorrence of tithes is become so strong in Ireland, that it is in vain to think of attempting anything; yet, in fact, an objection to this payment, when divested of its religious character, would be nothing short of a longing for that which is not our own. Our own! We know that tithes are not. To whomsoever they ought to belong, it cannot be to us. Take them, and we are robbers. This must be clear, whatever else may be doubtful. And is there an Irish peasant who would not tremble with scorn at the imputation of such an intention? Is there a gentleman who would not resent—and be perfectly justified in resenting—the insult of so foul a calumny. I am so well aware of this, that I am persuaded that we have only to divest tithes of their religious character to divest them of their unpopularity. But, if it were indeed possible that, by any casuistical sophistry, men could so far deceive themselves as to believe, that taking possession of that which never belonged to them, could, in any case, be justifiable, is Government to acquiesce in the crime, and become an accomplice, instead of a ruler? If so, all government is at an end; we had better declare, that anarchy is begun—that the empire of law is passed away, and that henceforth every man has only to consult his own inclinations. I am glad that the right hon. Secretary for Ireland has only recommended the consideration of his first Bill on this subject at present. I am persuaded that it is only necessary to divest the payment in question of its religious character, to divest it of its unpopularity. The cumbrous and invidious machinery of diocesan corporations, and the proposition of increasing the quantity of ecclesiastical land in Ireland, are measures of a much more questionable nature. If any corporation should be necessary to manage the ecclesiastical lands, it should be a Board of laymen in Dublin. For my own part, I frankly acknowledge, that I think so partial a distribution of the Church property in Ireland as the present, cannot endure. Justice demands, that out of the Church property in Ireland, the ministers of the national religion should receive a provision as well as the Protestant clergymen. There is not in Europe such a monster as the Protestant Establishment in Ireland; and I cannot believe that any strength which Government may derive from the assistance of such an instrument, can be compared to the facilities which would result from a more suitable arrangement. If I am told that this would be robbing the Church, I reply, that I think it no robbery, so long as the whole of the church property be secured to the servants of the altars. If I am reminded of the Articles of the Union, I recollect the omnipotence of Parliament; if I am told of the King's oath, I answer, that by no other means could he so effectually consult the permanence of the Protestant Church; and, if the Church of England is put forward as likely to be endangered, I assert that, in the present instance, common cause would only be common ruin. In expressing these sentiments, I know that I must have said what many will dislike to hear; but I entreat any such hon. Gentlemen to believe, that to give any men pain is, and ever would be, to me a subject of deep regret. The opinions I entertain, result from no indifference to the feelings of others, from no indifference to the Protestant religion—but I remember that there are six millions of Catholics in Ireland—I see that unhappy country lacerated by the fierce conflict of two angry parties—and I am convinced that no end can be put to these worse than Theban hostilities, so long as either party has a real grievance to prolong the irritation. Other countries, Sir, have gone through the same process. In Germany, the animosities between the Protestant and Catholic parties were, heretofore, to the full as violent as they are at present in Ireland. But in Germany the conflict is passed. In Ireland, the moment of transition is the present. Transition is never repose. Struggles will probably take place. Disaffection, resistance, disorder, may have their course. But, in the end, if strict justice be administered to all, and all be treated with the most inflexible impartiality, I am persuaded that common sense and true patriotism will prevail over craft and passion, and that, as in Germany, the two parties, wearied of strife, will ultimately lay down their animosities, and think it better to be friends. Entertaining these sentiments, Sir, I shall give the first Bill my best support, without committing myself in any way to any subsequent part of the measure.

Mr. *Ruthven* admitted, that the right hon. Gentleman had given a correct description of the horrors of the tithe system, as it had been carried on under the tithe proctors. He should not say anything in opposition to the first Bill, but he had strong objections to the other propositions. His hope was, that the right hon. Secretary would consider it expedient at least to postpone his propositions submitted that night. Looking at the intentions of the right hon. Secretary, he could only see a disposition to throw the collection of tithe out of the hands of the proctor, and place it in other hands. The plan would have the effect of destroying all confidence between landlords and tenants. Without a good understanding between the tenant and landlord there could be no happiness, no peace or quietude, in Ireland. It would be wise not to press a measure at this particular moment, when the public mind was exasperated, and when, instead of law operating with the weight of taxation, the people expected relief from a grievance which pressed upon them with increased severity. Under these circumstances, he should support the Amendment.

Mr. *Goulburn* would support the proposition of the right hon. Secretary, without pledging himself to the details of the measure. His principal objection to the Amendment was, that, notwithstanding what had fallen from the hon. and learned member for Louth, the extinction of tithes was proposed by it, not only unequivocally, but without any equivalent to the clergy, and to such a proposition he would never assent. It was true, that the Resolution proposed by the hon. member for Wicklow acknowledged the claims of religion and charity in general terms, but, when they came to the question of tithes, there was not even the suggestion of an equivalent. Gentlemen who spoke in favour of these Resolutions said, that existing interests were to be protected. But he was not speaking of an equivalent to those only who had an immediate and personal interest in the property of the Church in Ireland; but of an equivalent to the Establishment itself, not for the maintenance of those only who happened now to be its ministers, but for those also whose duty it might be, at all times hereafter, in succession, to administer the consolations and perform the rites of the established religion in Ireland. The hon. and learned member for Louth was prepared to support these Resolutions, although they would distinctly abolish the tithes of the Church in Ireland, and give no hope of an equivalent. He said, then, that the hon. and learned Gentleman had no right to complain of the measure of the right hon. Gentleman opposite, as not calculated to relieve the distresses of the clergy, while he voted for a measure calculated to continue the existing state of excitement, and which did not even profess to afford a remedy for the present sufferings, or for the future maintenance of that clergy. With respect to the greater and important question brought forward by the right hon. Gentleman, he had already stated, that it was his intention to give it his support. He did so, not because there were no difficulties with which the right hon. Gentleman would have to contend, in carrying into effect his views on this question—he was sensible of those difficulties and embarrassments, and saw clearly the obstacles connected with this measure, which, perhaps, were not so forcibly presented to the mind of the right hon. Gentleman—but he could not put out of his view the present destitute state of the clergy in Ireland; and he felt precluded, after what had already taken place, from scrutinizing too nicely, in the first instance, at least, the measure which Government might propose for their relief. The events which had already occurred, had so far deprived the clergy of even the means of subsistence, that he was bound to avail himself of the best practical opportunity, to procure for them some means of maintaining with credit their station in society; and though he certainly thought, that if they looked at the measure proposed by the right hon. Gentleman with a rigid eye, there was much in it that would press with extreme hardship upon the clergy, and would be very difficult in the execution, so as to secure the receipt of that income, which it was proposed to confer upon them. In the progress of that measure, however, means might be provided for securing the clergy the full extent of their legal demands, or, at least, sufficient for a comfortable subsistence. He begged, however, to reserve his right to object hereafter to any of the details of the measure, which might appear to him to be fraught either with injustice or partiality, and to examine closely those calculations upon which the commutations were to be founded. He begged to protest against making those general reductions of clerical incomes, which appeared to be contemplated, substituting for them a provision, which, however it might suit the views and wishes of those who thought only of relief from immediate pressure, and who complained unnecessarily of the present extent of the incomes of the clergy, was not founded upon such a principle as he could consent to adopt. It was suggested by an hon. Gentleman opposite, that the requiring the landlord to pay the tithe, and enabling him to recover it from the tenant, in the shape of rent, was throwing upon the landlord all the odium of collecting tithes. From that opinion he differed. Could any man contend, that the circumstance of the tenants having tithe-free estates, and being required to pay an additional rent, would occasion a universal resistance to the payment of rents? He would not believe that the landlords were so insensible to their own interests, as to object to the payment of tithe upon the ground of its casting any odium on them; neither would he believe that the tenantry were so insensible to their interests as not to acquiesce in the payment of a small additional rent in lieu of tithe. If the measure should pass, the name of tithes would be speedily forgotten, and rent alone would be received by the landlord, and no pretence would remain for that resistance which had founded itself hitherto upon the name of tithe. Nor did he concur with the hon. and learned member for Louth, as to those enormous evils which were to result from enabling the landlord to mortgage his property, for the purpose of buying up the commutation which might ultimately be made, and giving the mortgagee, who had advanced the money for that especial purpose, a priority of claim to all other creditors. Did not the hon. and learned Member know that the tithe owner had already a prior claim? The evil would arise, if at all, not from this measure, but from the existing state of the law. When, however, the hon. and learned Gentleman was stating the inconveniences to which the landlords would be subjected, by this part of the measure, he ought to have described the difficulties to which landlord and tenant were now subjected, by the tithe-owner having the power of distress for tithe. Surely the exercise of this power occasioned more inconvenience to the tenant, and to the landlord also, than the appointment of a receiver of the rent, for the purpose of paying over the composition to the clergyman, could do. The objections, then, which had been urged by the hon. and learned member for Louth, formed no ground with him for changing his opinion upon this subject. He supported the measure of the right hon. Gentleman, because, in the present state of Ireland, it was expedient to make a commutation of land for tithe. He supported it, because it was in conformity with the opinion he had long entertained on the subject, and had before expressed to the House; but, above all, he supported it because he conceived that Government, by bringing forward a measure of this nature, with a view permanently to settle this question of tithe, by establishing a just equivalent for the rights and claims of the Church, was thereby pledged to give its entire support to all the means necessary to enable the clergy to obtain their incomes by the proposed measure of commutation. He conceived such a course to be essential, not only to the maintenance of the clergy, but to the very preservation of property in Ireland, whether ecclesiastical or lay. He could not suppose that the clergy would be left helpless in the midst of their enemies; or be allowed to remain in that state of agonizing suffering in which many were at the present moment placed.

Mr. *Dominick Browne* was by no means averse to the Bill proposed by his right hon. friend, though to the arguments, both of his right hon. friend and, of th right hon. Gentleman, the member for the University of Cambridge, he was entirely opposed. He had been for many years convinced that it was impossible for any Government to maintain the Established Church of Ireland to its present extent. He was quite satisfied that the people of England would not submit to support an Established Church for one-eighth only of the population, and he was satisfied that the people of Ireland would never remain quiet under it. He was as friendly as any man to the support of the Established Church in Ireland, as far as it was consistent with the number of its members; but beyond that he never would support it. He supported the Catholic Question, but not with the idea of supporting the Established Church in Ireland. He always disclaimed that ground, and he declared that he would oppose Catholic Emancipation, if he thought it would be the means of keeping up that monstrous nuisance. He would not, however, say one word against the clergy of the Established Church, many of whom were excellent men; nor was it necessary for him to traduce the clergy in order to make out his case against the Church itself. It was not necessary to traduce the character of the Marquess Camden, in order to show that there should be no Tellers of the Exchequer with a salary of 25,000*l.* a year. It was the system which sanctioned the payment of large sums of the public money, when no adequate services were performed, which he opposed and reprobated. He had seen, from his childhood, on one side of a stream a Church, with a steeple, built and repaired at the expense of the Roman Catholics: he had seen the clergyman get out of his carriage, and enter the Church, and there perform the service to a congregation of some seven, eight, nine, or, at most, ten persons; and that clergyman received 200*l.* a year, while the Roman Catholics paid him tithes. On the other side of the stream, he had seen a small thatched chapel, inadequate to hold the persons who crowded there to attend divine service; and he had seen persons on Christmas-day and Easter-day, kneeling in the mud around that chapel, while they had been looking across the stream at the Church, with its steeple, vacant and desolate. This picture he had beheld, and beholding it, had thought how applicable were the words of the poet—" *Sic vos non vobis nidificatis aves.*" The people of Ireland were a shrewd and intelligent people, and they felt this; they felt that they pay money to the Protestant clergymen, and receive no adequate service in return; therefore he was satisfied, that the Established Church in Ireland could not stand. He was as much opposed to the opinions of his right hon. friend, the member for Windsor, as he was to the opinions of Gentlemen opposite. The question before the House did not relate to the money paid by the Catholics to the Established Church. With regard to the property of that Church, he considered it to be public property. It was the property of the Roman Catholic Church of Ireland before the Reformation. Whether Henry 8th had a right to take it away he would not argue; he did, however, take it away. Parliament had dealt with it before, and must deal with it again. When the right hon. Gentleman, the member for the University of Cambridge, brought forward his Tithe Composition Bill, some years ago, he stated, in reply to some objections to the measure, that it was highly disadvantageous to deal with public property. But, as far as the Composition Act in Ireland was concerned, the people paid much less than what was due to the clergy. He thought the public property of the people of Ireland had been diminished by being put into improper hands. Everything that had been lost to the Church, had been gained by the landlord. It was but just that the landlords should pay the tithes out of their property. They had no right to the tithes; and he disclaimed, for his part, any desire, to possess property which was not legally his own. He wished this property to be restored to the public; and went, to a certain extent, with his right hon. friend in his proposal that the landlord should have the power to redeem the composition for tithes; but he did not wish the money to be laid out in land. He would have it vested in the Consolidated Fund of Great Britain, as long as it was to be paid. But he further wished that, as fast as the present Bishops, and other dignitaries and clergy of the Church of Ireland, die off, their vacancies should not be filled up, but that the number should be diminished to what was sufficient to perform the duties of the Church of Ireland. On that principle he should vote for bringing in this Bill; but he protested against what had been said by his right hon. friend in its support.

Sir *Josiah Hort* expressed his cordial concurrence in every word of the Resolutions moved by the hon. member for Meath.

Mr. O'Connell moved an adjournment to the next day.

Lord *Althorp* did not think there was any reason for adjourning the debate. The hon. and learned Member was the last man who should have moved it, as he had not been present at the commencement.

Mr. *O'Connell* said, he did not deserve that sneer—he was not absent to suit his own convenience.

Lord *Althorp* said, he did not mean any sneer. He had not thought that any great number of Gentlemen were desirous of speaking; and if so, it was too early to adjourn ["*go on*"]. If the Motion for adjournment was put, it should be for Monday.

Mr. O'Connell assented.

The House divided on the question of Adjournment:—Ayes 25; Noes 143—Majority 118.

The Speaker put the question on the Original Amendment.

Mr. O'Connell moved, that the debate be now adjourned.

The *Speaker* informed the hon. Member, that he could not now again move that question.

Mr. *O'Connell* begged leave to move that "this House do now adjourn." He was strongly of opinion, that no important debate like the present, should be continued after twelve o'clock, and he still hoped to live to see the day when, in a rational Parliament, no important debate would be continued after nine o'clock.

Lord *Althorp* certainly did not expect to live to see that which the hon. and learned member for Kerry appeared to anticipate. He would not further oppose the adjournment of the debate, if the hon. Member would move it after this question was disposed of; but the present Motion must be resisted, as it would put a stop to all the public business fixed for this night. He hoped, therefore, that the hon. Member would not press it to a division.

Mr. *O'Connell* said, that under these circumstances, he would not press his Motion to a division.

Sir *Charles Wetherell* said, that he had often heard the hon. and learned member for Kerry speak for hours after twelve o'clock. The hon. Member might, therefore, proceed with his speech now. The House would be most happy to hear him, and he trusted, therefore, that the hon. Member would not persist in his proposition for the adjournment of the House. If the hon. and learned Member should persist, then he would move upon his amendment an amendment, "That the member for Kerry be heard." He hoped that the noble Lord opposite would not give way on a Motion of this kind, for with regard to motions of a similar description, the noble Lord had dealt out to him and his friends on that side of the House, a very different measure of justice. The learned Gentleman moved "that the member for Kerry be heard."

The Motion for the adjournment of the House was negatived.

Mr. O'Connell moved that the further debate on this question be adjourned to Monday next.

Lord *Althorp* would not now object to the Motion, as it was plain that this debate at present could not go on.

The debate adjourned to Monday next.

HOUSE OF LORDS,

Friday, July 6, 1832.

MINUTES.] Bills. Read a second time:—Lunatics; Contempts in Ecclesiastical Courts.—Read a third time:—Trespasses (Scotland).

Petitions presented. By Lord DUNDAS, from Stromness, for a Representative to Orkney, and another to Shetland; and from Shetland, for a separate Representative.

[The Lords held a Conference with the Commons on the subject of the Amendments made by the Lords in the Punishment of Death Bill. The Commons objected to those Amendments, that they were too important to be introduced into this Bill, and ought to be made a separate measure. As it was of importance that the Bill should pass this Session, the Commons requested their Lordships to suffer the Bill to pass as it was sent up to them. Subject to be considered.]

ZEMINDAR OF NOZEED—BILL.] Lord Wharncliffe moved the third reading of the Zemindar of Nozeed Bill.

The *Lord Chancellor* took an elaborate view of the claims of Mr. Hodges, and the whole of the case, and opposed the Bill on the ground that the claim was not just, and that allowing it, would open the door to numerous similar claims on the East-India Company. The claim had been suffered to lie over so long, when the petitioner had had numerous opportunities of bringing it forward, that, however reluctant he was to oppose such a demand, he must object to the Bill being read a third time.

Lord *Wynford* supported the Bill. He viewed the claim in a very different point of view from that which the noble and learned Lord had adopted. If the claim were a good one thirty years ago, he thought that it must be equally admissible now. In his opinion, the demand of the petitioner was founded in justice, and he rejoiced that, by the Constitution of this country, justice might be done to the petitioner by the Legislature, although he might not, on account of some technical objection, be able to obtain it in a Court of Common Law.

Lord *Ellenborough* opposed the Bill. The noble Lord on the Woolsack, and the noble Baron near him (Lord Wynford), had both admitted, that the claim advanced by

Mr. Hodges could not be supported in a Court of Justice. That very admission on their part, who took such opposite views of the question, was sufficient to guide their Lordships in throwing out the Bill. The original transaction upon which the claim was founded was illegal, for the Act of Parliament regulating loans to natives, distinctly prohibited the servants of the Company from lending money at an interest of more than ten per cent. The interest on the principal in this claim far exceeded this, and this very circumstance rendered the whole transaction illegal. For the reasons which he had stated, he begged to move that the Bill be read "a third time this day six months."

Lord *Wharncliffe* supported the third reading of the Bill, and contended, that the Company had sanctioned the claim of Mr. Hodges, by the approval it gave to the arrangement made by Lord Macartney and his council, with respect to it. Under all the circumstances of the case, he thought the rejection of the Bill would be a great hardship and injustice to Mr. Hodges.

Their Lordships divided on the Amendment:—Contents 14; Not Contents 23—Majority 9.

On the question being put that the Bill be read a third time,

The *Lord Chancellor* entreated their Lordships not to come to an immediate decision on a matter of such high importance, and involving as it would such serious consequences. After the decision to which the House had just come, he would not again divide it on the question that the Bill be then read a third time, but he begged to express his earnest hope that they would postpone the third reading to a future day.

Lord *Kenyon* said, that the noble Baron (Lord Ellenborough) had asked their Lordships to look at the question judicially. They had done so, and he certainly saw no reason why, on this occasion, they should depart from the usual course. The decision to which the House had come was, no doubt, very different from that which the noble and learned Lord on the Woolsack had expected. He put it to him whether, if the result had been other than it was, he would have asked them to take the course he now advised.

Lord *Ellenborough* admitted, that what was asked by the noble and learned Lord on the Woolsack was unusual, but he must say, that so were the circumstances under which he asked it. For his own part, he must say, that in his opinion, the individual making this claim had not a shadow of justice or equity to support it. He, for one, would be extremely unwilling to take the responsibility of the government of India, if claims such as this were admitted. He did trust, therefore, that looking to the justice of the case, and not to what might be their feelings towards the individual, their Lordships would give the noble and learned Lord on the Woolsack an opportunity of stating his case in a fuller House.

Lord *Wharncliffe* confessed, that there did not appear to him to be any reasonable ground urged for the further delay of this question. The Committee to which it had been referred had, after mature deliberation, reported, that the preamble was proved, and then the supporters of the Bill had consented that it should be decided as it were judicially. After the consideration which it had received, and the vote to which their Lordships had just come, he felt fully justified in moving, that the Bill be now read a third time.

The *Lord Chancellor* said, he had no right, in a case of this kind, to ask their Lordships to receive his opinion, as he should in a case where he was giving it judicially. He would, however, ask their Lordships to postpone the third reading, on the ground that many noble Lords went away before the division, not expecting that any would take place. On the Bill itself, he had no personal feelings of any kind. He had acted in the discharge of what he considered his public duty. He had never canvassed in any way, or asked a single individual for a vote on it. He would not say, that there had been any canvassing on the other side, but he felt, that in all cases of individual claims, it was difficult to prevent it. The thing had been carried so far in the other, and to some extent in this House of Parliament, as to make canvassing not without a precedent; but he hoped it would not be without a remedy. He did not, however, ask for any delay on that ground. He asked it on those grounds he had already stated, for the sake of the character of their Lordships' proceedings, and on the ground of the absence of many noble Lords who would be disposed to take a part in the debate.

Lord *Napier* said, that with regard to the noble Lords who had left the House, he had personally communicated with several of them, and knew that their reason for leaving was, because they could not vote against the Bill. It was a question between a powerful body—the East-India Company—and a private individual, and if the Bill were now delayed, to wait for a stronger opposition to it, it might be well said, that the weaker was allowed to go to the wall. He had given the subject all the attention in his power, and felt bound to support the Bill.

Viscount *Goderich* hoped that more time would be taken for consideration, and that the Bill would be discussed when there was a greater attendance of their Lordships.

The Earl of *Harewood* denied any canvassing for the Bill. He had been applied to by an individual, till then an utter stranger to him. He had heard the statement of his wrongs, had read all the documents, had attended the meetings of the Committee: and he voted for the Bill from a firm conviction that the individual had fully established the justice of his claim. If the delay now sought for, was given, it could only be to defeat the Bill.

Lord *Wharncliffe* declared, upon his honour, that he had never asked a single soul in that House to give a vote on the subject—that he felt the justice of the case himself, and must persist in moving that the Bill do pass.

Lord *Wynford* said, his opinion was wholly uninfluenced except by the evidence, and upon that he should support the Bill.

Lord *Ellenborough* said, that the opposition of the East-India Company was given to the Bill officially, just as the Government might feel itself disposed to oppose any claim on the public purse, for which no valid grounds had been shown.

Lord *Holland* thought, it would be much for the dignity and character of their Lordships' House that the question should be postponed. He, therefore, moved that the debate be adjourned.

Their Lordships divided upon this Amendment: Contents 15; Not Contents 24—Majority 9.

Bill read a third time and passed.

CONTEMPTS IN ECCLESIASTICAL COURTS.] The Lord Chancellor moved the second reading of this Bill.

The Marquess of *Westmeath* hoped there would be no objection to postpone it. A noble and learned Earl was absent on account of indisposition, who, he knew, was anxious to offer some observations upon the measure. He himself had some very strong objections to it.

The *Lord Chancellor* saw no reason why their Lordships should postpone the second reading. It could not be the absence of the noble and learned Earl, who, if he (the Lord Chancellor) were not very much mistaken, was in favour of the Bill. The only object that could be gained by the present postponement would be delay, and of that there had been more than enough already. This Bill had been passed through their Lordships' House last Session, and was sent down to the Commons, where it was stopped only by the prorogation of Parliament. He did hope that no further impediment might now be opposed to its progress. It was a Bill which had for its object to do away with that privilege by which about 1,100 persons, Members of both Houses of Parliament, might set the authority of Ecclesiastical Courts at defiance; so far, at least, as obedience to their monitions or citations was concerned. Thus, for instance, suppose a man died, leaving by will a charge of 10,000*l.* on his estate, in favour of his second son—the will was in the pocket of the eldest son, who might not like to produce such an evidence of a charge on his estate, and, if he were a Member of Parliament, he might laugh at any monition or citation to produce it. There were many other cases in which a privileged person might, with impunity, set the authority of the Ecclesiastical courts at defiance, and defeat for a time the ends of justice; but that which he had supposed, and which might happen, was enough to show the necessity of this Bill. There were other cases arising in questions of divorce and alimony which would equally prove its necessity. Under these circumstances, their Lordships would admit that, unless some strong ground were made out (which he could not expect, and for the simple reason that he did not believe it possible to make out such a case), to show why the Bill should not pass, no further delay ought to take place to prevent the second reading of the Bill, which he now moved.

The Marquess of *Westmeath* said, that the argument of the Ecclesiastical Commission having recommended the Bill amounted to nothing, because the noble and learned Lord had brought it in on a former occasion before that recommendation was given. The noble and learned Lord said, that the Bill was dropped in the House of Commons in consequence of the prorogation. Now, on that point, he supposed his word was as good as the noble and learned Lord's, and he asserted that it was dropped because it was threatened that if the Bill were proceeded with, an exposure would be made of all the circumstances connected with it. The noble and learned Lord might not know that; but it was the fact. He would not shrink from entering into the circumstances of the case, if the noble and learned Lord courted investigation. He wished to know, why the noble Lord did not enter into an explanation similar to that with which the Bill that affected Members of Parliament was accompanied.

The *Lord Chancellor* said, that he had done so.

The Marquess of *Westmeath* said, that he did not recollect it, and his memory was usually tolerably acurate. He (the Marquess of Westmeath) had not opposed the Bill in that House, but he knew that it was brought in for the mere purpose of oppressing and persecuting him. This he could prove. The report of the Ecclesiastical Commissioners had recommended certain improvements in the practice in the civil law Courts, and particularly that the examination of witnesses should be conducted publicly, instead of, as at present, in a private room. It would have been better if the noble and learned Lord had brought in a bill which would have comprised all these points, instead of a partial measure, directed to only an isolated part of the subject. It could not be said, that the Lord Chancellor of England, who possessed so many offices and instruments to carry his intentions into execution, could not find time to effect the objects recommended by the Commissioners. The noble and learned Lord, with his well-known activity, might, if he had pleased, have brought forward a complete measure, and if he had done so, what man would have had the face to stand up in the House and oppose it? He had made every effort which it was in the power of man to exert to avoid this discussion. He called upon the noble and learned Lord to declare, whether that was not the fact. He would now proceed to state the grounds upon which he conceived that, *quoad* himself, this Bill was an injury. In April last he had occasion to see the noble Lord, who then contemplated the introduction of some such measure as that before the House. At that time he happened to be in contempt to the Ecclesiastical Courts, on account of a small sum of 200*l*. He had intended to avail himself of his privilege of Parliament, on account of the unhappy affairs in which he was involved. At the interview to which he had referred, the noble and learned Lord told him that he had better comply with the order of the Court, otherwise he would be shopped; and he explained that a bill to abridge the personal liberty of Members of Parliament would be introduced, not by himself, but some other noble Lord. The noble and learned Lord suggested, that the question should be submitted to arbitration. He told the noble and learned Lord, that when the case was heard before their Lordships he had consented to an arbitration, and it was not his fault, but owing to the persevering determination of the other party, that it had not been carried into effect. He did not see the noble snd learned Lord again till the 29th of August last year, when Lord Lyndhurst and the Earl of Eldon delive ed judgment in the case, and, in the interim, he had not the honour of hearing from the noble and learned Lord. Subsequently to that period, the noble and learned Lord sent him a communication, in which he expressed a hope that he (the Marquess of Westmeath) would comply with the decree of the Court, in order to prevent the necessity of having a retrospective clause inserted in the bill.

The *Lord Chancellor:* I did no such thing.

The Marquess of *Westmeath* said, that he would read a passage from the noble and learned Lord's letter. The noble and learned Lord said, 'I wish you would settle the 'matter in dispute, in order to prevent it 'from being mentioned in debate. I must 'give your case as a ground for the measure, 'therefore I wish you to comply with the 'sentence. It cannot be endured that any one 'should set the power of the law at defiance. 'I know you will not think of doing so, 'and therefore no retrospective clause will 'be wanted.' The noble and learned Lord was well acquainted with his case. He knew that some years ago it was the subject of arbitration before Mr. Phillips, now Under Secretary of State, nominated by him and a person of eminence at the Bar, on which occasion the evidence of his witnesses was so clear, that the arbiters desired the opposing party to withdraw. The circumstances of the case must be fresh in the noble and learned Lord's recollection, and he was well aware that he had done every thing in his power to prevent the transaction from being dragged before the public. He had spoken of only one part of the subject, but he could prove at the Bar that the present Bill was actually drawn up by the solicitor of the party who is to be relieved by its passing. In one of the first communications with the noble and learned Lord, he (the Lord Chancellor) stated that the measure must proceed with breathless haste. He should like to know why, after that, the Bill was allowed to stand over for a fortnight before it was printed. He should very much wish to see the draught of the

Bill which was originally brought into the House. Was ever such a thing heard of as a solicitor bringing in an Act of Parliament in order to obtain money for himself? He had been placed in a most cruel situation by the proceedings in the Civil Courts. The most abominable charges had been made against him, which could not be examined into without sending a commission into North Wales. He brought over a shipload of witnesses, and maintained them at an enormous expense; and, upon investigation, he was acquitted, and his character cleared, but not a single sixpence of the vast sums which he had expended in costs would ever be repaid to him. Was this just? The noble and learned Lord might treat these matters with scorn—he treated men as mere units—as things here to-day and gone to-morrow—and, perhaps, he thought that a defenceless man could be more easily trodden under foot. He (the Marquess of Westmeath), however, would not shrink from the noble Lord's attack. He had been roused—goaded—into an explanation, and he would not sit down until he had made his charges good. He objected to the retrospective clause which the noble and learned Lord in his letter said that he would withdraw. Was there in the history of jurisprudence anything so monstrous known as the passing of a Bill to give a Court of law a retrospective power? The noble and learned Lord had already decided on his cause in the Court of Chancery according to the law as it now stood, and this Bill was to give him the power to sit again, and give a different decision on the same cause. This was such an instance as he had never heard of before. There had been a bill lately introduced to assimilate the practice of the Courts of Chancery in England and Ireland. No such principle as appeared in this Bill, however, had been introduced into the bill he referred to, and he did think it was a principle perfectly novel in legislation. In the proceedings against him no costs had been awarded in any Court of Law, or in the Court of Chancery, and yet here was a Bill brought in to make an award against him. Perhaps it might not be considered as bearing on the case, if he referred to the state of his fortune. He might state, however, that he had lost nearly one-third of his disposable income, in consequence of the measures which the noble Lord's Administration had adopted in Ireland. The noble and learned Lord might have shown a little mercy therefore, and contented himself without bringing in a Bill against him. Having made these remarks, he should only say that he would leave it to the noble and learned Lord to pass his Bill now as he could.

The *Lord Chancellor* could not say he was surprised at the statement which their Lordships had heard from the noble Marquess, but he was surprised that any person should assume, as the noble Marquess seemed to do, that a general measure affecting all other persons as well as himself, was intended merely to meet his particular case. The noble Marquess really founded his complaint upon a mere quibble; and, in order to make out his case, thought fit to refer to a private letter.

The Marquess of *Westmeath:* how is it a private letter? Was it marked private?

The *Lord Chancellor* continued: he had no objection to the noble Marquess's reading any letter which he had ever written, whether it was marked private or not, though he had yet to learn that a letter not being marked private, when addressed by one Peer to another, or by a Counsel to a client, which was the character in which he had first the honour of making the noble Marquess's acquaintance—he had yet to learn, he said, that the omission of the word private, necessarily made a letter public which had reference only to a private matter. Be that as it might, he left it entirely to the noble Marquess to judge as to the propriety of making the letter public. Now, as to the statement that he had informed the noble Marquess that his case must be stated in the House, the fact was, that he had attended to the case, though without mentioning the noble Marquess's name. The case of the noble Marquess was the first which caused the flaw to be discovered in the 53rd George 3rd; it was his case which pointed out the necessity for the Bill; but his case was a very small part of this great and important measure. Now, it was quite impossible, he thought, for any man who had heard his letters read, not to say that he had given the noble Marquess as friendly, and (though he said it himself) as judicious, advice as he could give him, when he recommended the noble Marquess to avoid needless discussion in that House, after the discussion which had taken place in the Courts below. The noble Marquess talked of the judgment of Courts being in his favour. The judgment of Sir John Nicholl was certainly against the noble Marquess, and so was the judgment of the High Court of Delegates, when the noble Marquess appealed from Sir John Nicholl's judgment. If his memory did not deceive him, the noble Marquess also applied for a Commission of Review, and it was refused. Of that he was not certain, but he was quite certain that the other two judgments were awarded against him. The noble Marquess complained that costs were awarded against him in the Ecclesiastical Court and in the High Court of Delegates. By the law, as it was administered in those Courts, and according to the uniform practice, there could have been no other result. The noble Marquess could not have had costs even if he had succeeded, much less when the judgment was against him. When the parties in a cause were unfortunately husband and wife, the husband must pay all the costs, because it was supposed the wife could have no separate funds. Up to a certain point, therefore, in suits of that nature, the husband had the misfortune to be saddled with the costs of both parties. Doubtless, the noble Marquess thought himself right, and the other party to the suit thought him wrong; into that, however, he would not enter. The Court which gave judgment against the noble Marquess might be right or wrong. He was bound to presume it was right, but it might possibly be wrong, With that neither he nor their Lordships had now anything to do. He gave no opinion whatever on the merits of the case. Without any great want of charity, he should be rather disposed to conclude that neither of the parties were free from blame; but be that as it might, it was quite immaterial to the merits of the Bill. The only question was, whether or not the decrees of the Ecclesiastical Courts should be executed against persons having privilege of Parliament. It clearly appeared as the law now stood, that the Ecclesiastical Courts had no power to compel the noble Marquis to pay one shilling of costs. Though his contempt was undeniable, yet he and all persons similarly situated—all persons having privilege of Parliament might laugh at the decrees of those Courts. The necessity of that haste to which the noble Marquess alluded arose from this, that after the flaw was discovered every one who could benefit by it might endeavour to do so, taking advantage of the flaw. He knew cases in which the grossest injustice had been done, and was doing at that moment, from the want of such a law as this Bill would supply. The noble Marquis had stated that the Bill was drawn up by the solicitor of the party opposed to him. Now, it often happened that a Bill was drawn up by a party whose experience showed them the necessity of an amendment of the law. That was the way in which many Bills originated, but it so happened that on the day he (the Lord Chancellor) pronounced judgment in the noble Marques's case, he stated that the defect of the law being discovered, it was his fixed and firm intention to call upon the Legislature to remedy it. That was his declared and publicly announced intention. The Bill was not framed by any Solicitor, however; it was framed by persons having more learning, skill, and experience than could be reasonably ascribed to any Solicitor; and, he might add, that it was framed upon great deliberation, and had been altered after it was first framed. With respect to the retrospective clause, as the noble Marquess called it, it was the grossest abuse of language to say there was any retrospective clause in the Bill. There was no retrospective clause; but there was a clause to which the noble Marquess probably alluded, enacting that process should not issue upon judgments of more than six years' standing. A person who was in possession of a judgment proceeded to make his demand, founded on that judgment, by means of a process of the Court. It was setting at nought that process of the Court which was the contempt, and all that the clause did, was to limit the process from issuing after the judgment had been held for six years. There was nothing retrospective therefore, in the clause. Past contempts were not affected by it. The Noble Marquess would not be affected by it, unless he committed a new contempt. Any one who had heard the statement of the noble Marquess might have supposed that the Bill was limited to that class of cases in which the noble Marquess had been a party. It was a general measure, however, including all persons in Great Britain and Ireland, rendering the processes of the Ecclesiastical Courts in the two countries mutually interchangeable, and rendering the processes of the different Diocesan Court in this country also mutually interchangeable. The only question involved in the Bill was, whether the privileges of Parliament should secure a man's property against the decrees of the Ecclesiastical Courts. The Bill gave a remedy against the property as well as the person. In Courts of Equity and the Common Law Courts, a man's estate as well as his person was liable, and the Bill gave the same power to Ecclesiastical Courts. As the law now stood, a person having privilege might laugh to scorn the decrees of these Courts, and any man might do so if he could get his person out of the way.

Under these circumstances their Lordships could not wonder that he should say, he never was more surprised than when he had heard the noble Marquess represent this as a personal measure, and as if it was brought forward with a view to meet only the noble Marquess's case. There were, in point of fact, Members of the other House of Parliament precisely in the same situation as the noble Marquess. They could not now be touched by any process of the Ecclesiastical Courts, being shielded by their privilege, and would have precisely the same reason to complain which the noble Marquess had.

The Marquess of *Westmeath* said, he should be as unwilling to publish a private communication as the noble and learned Lord, or any other noble Lord; but the letters he had read were written to him on a public subject—as an admonition to him, cautioning that he would be exposed in that House—and he had no right to look upon them in the light of private letters. One or two of his most important statements the noble and learned Lord had admitted. He admitted that the Bill was drawn up by the solicitor of the opposite party.

The *Lord Chancellor* begged pardon—he had admitted nothing of the sort.

The Marquess of *Westmeath* thought it was admitted. However, there was a retrospective clause. The Bill would be eternally retrospective if it were not for the clause to which he alluded—it would go back to the flood; but the clause limited the retrospective operation to six years. He believed there was no precedent for such a clause, and he understood that a noble and learned Earl (the Earl of Eldon), who was not present, considered the clause objectionable.

The *Lord Chancellor* begged to put their Lordships more distinctly in possession of the nature of that which the noble Marquess persisted in calling "a retrospective clause." It took away the benefit of issuing process upon judgment more than six years old. If it took away all the benefit of issuing process upon judgment, it was obvious that it must be a crying injustice.

The Marquess of *Westmeath* thought it a mere quibble to say that the clause was not retrospective in effect.

Lord *Holland* did not mean to give any opinion on the Bill, or on the noble Marquess's case, but it seemed quite clear to him that the clause was not retrospective, but quite the contrary, for it limited the retrospective operation of the Bill.

Bill read a second time.

Upon the motion that the Bill should be committed on Monday,

The Marquess of *Westmeath* hoped it would not be committed until the noble and learned Earl to whom he had referred was present.

The *Lord Chancellor* regretted the absence of the noble and learned Earl, but could not consent to delay a measure of so much importance at so late a period of the Session. He had no reason to doubt that the noble Earl had given his attendance to the Bill last Session.

The Marquess of *Westmeath* hoped it would be understood, that he did not oppose the Bill merely with reference to his own case. If the noble and learned Lord had brought in a bill carrying fully into effect the recommendations of the Commission, and introducing Trial by Jury into the Ecclesiastical Courts, it should have had his cordial support.

The *Lord Chancellor* agreed with the noble Marquess, that there was a great deal more to be done with reference to the Ecclesiastical Courts than was effected by the Bills now before Parliament; and he should hope, that the noble Marquess would give his support to the other measures, which it was intended to bring forward as speedily as possible. There were great difficulties in following up some of the recommendations of the Commissioners; and it was thought best to select the most obvious amendments in the first instance. Some further measures, however, would be introduced early in the next Session of Parliament.

Bill to be committed on Monday.

SCHOOLS OF ANATOMY.] The Earl of Minto moved that the Bill should be committed.

Lord *Kenyon* objected to going into Committee on so important a measure, in the absence of so many noble Lords who were interested in the measure, and had taken a part in previous discussions.

The Earl of *Minto* could not consent to any further delay at so late a period of the Session. One noble Lord had asked him to postpone the Committee, saying he could not wait, because he would be too late for dinner. He (the Earl of Minto) replied, that he had lost many dinners by the subject already, and he really should not consent to any further postponement.

Lord *Holland* suggested, that the Bill should go through the Committee, and that the objections might be discussed in a future stage.

The House in Committee.

Several verbal amendments were agreed to without discussion. — The House resumed.

HOUSE OF COMMONS,

Friday, July 6, 1832.

Minutes.] Bills. Read a second time:—Sea Apprentices; Sale of Beer.—Read a third time:—Representative Peers (Scotland).

Petitions presented. By Mr. Beaumont, from the Owners of Coal Mines on the Rivers Tyne and Wear, for a Committee to inquire into the Cause of the Disturbances among the Pitmen.—By Mr. Wilks, from Parsons Town (King's County), for substituting Secondary Punishments for the Punishment of Death in Cases of Forgery; from Tottenham High Cross, against the Vagrants (Scotland and Ireland) Removal Bill; and from a Benefit Society at Eckington, against the Friendly Societies Bill.—By Mr. Dominick Browne, from Kilvine, and three other Places, for the Abolition of Tithes.—By Mr. Wynn Ellis, from Leicester, for an efficient Reform to Ireland.—By Mr. A. Lefroy, from Longford, for the Repeal of the Catholic Relief Bill.—By Mr. Stanley, from Tuam, for a Representative for that Place.

[A Conference was held with the Lords to represent that the Commons could not agree with the Lords in the Amendments they had made in the Punishment of Death Bill.]

Municipal Government of Burghs (Scotland).] Mr. *Horatio Ross* stated, that he had a Petition to present, very numerously signed by the inhabitants of the Burgh of Banff, which referred to a subject of great importance, and one in which all the Burghs of Scotland took a deep interest. The petitioners prayed, that the present system of Municipal Government in the Scotch Burghs might be reformed, and that the resident Burgesses and Citizens might have the power of electing their Magistrates and Town Councils. When he informed the House, that for some hundred years past the Magistrates and Town Councils had had the power of electing their successors, who, in their turn, invariably re-elected their predecessors; that the whole influence, both parliamentary and local, had been vested in certain families, as a sort of heir-loom, they could not be surprised that the inhabitants of those burghs complained loudly of this system, and that they anxiously looked for redress at as early a date as possible. He (Mr. Ross) had had this petition in his possession for a considerable time, but had refrained from presenting it, as he did not wish to embarrass his Majesty's Ministers, during the progress of the Reform Bill, by calling upon them to bring forward more extensive measures of Reform. Now, however, as they had triumphantly carried that great measure, he thought the time was come when it was necessary to call their attention to the subject. He was quite aware that nothing could be done this Session; but they might, during the months that must elapse before a Reformed House of Commons could be elected, and meet for the despatch of business, draw up a bill for reforming the municipal government of the Scotch burghs, and be prepared to submit it to Parliament at the commencement of the next Session. He could assure the House that, next to the great question of Parliamentary Reform, there was no subject in which his countrymen, residing in towns, took so lively an interest as in that of Burgh Reform; they would never rest satisfied until the gross abuses and absurdities of the present mode of election were completely eradicated. His Majesty's Ministers were the fittest persons to devise, and carry into effect, a proper plan of Burgh Reform; and, if they took the matter up in the manner in which he was sure they would, they should, in the event of his sitting in the next Parliament, receive his most cordial support and assistance; but if, on the other hand, they neglected this subject, he should, very early in the next Session, again bring it forward; and, if no person of greater experience undertook the task, he should consider it his duty to bring in a bill to reform the abuses of the present municipal government of the burghs of his country.—Petition to be printed.

Irish Church.] Mr. *Goulburn* wished to put a question to the right hon. Secretary for Ireland, relative to a subject upon which he had before asked for information — he meant with respect to the deanery of Down. Two or three years ago, his Majesty had appointed an Ecclesiastical Commission in Ireland, consisting of several eminent persons, amongst others, of the Lord Chancellor, the Archbishop of Armagh, and the Master of the Rolls. Their duty was, to examine what unions could be separated, so as to avoid pluralities. These Commissioners stated, that there were many parishes united with dignities where the working clergy had small incomes, while Deans and other dignitaries possessed large revenues from the same livings, although they were complete sinecures. In this condition stood the deanery of Down, producing to that dignitary, 1,200*l.* per annum, to which were annexed six parishes, in which the clergy had incomes averaging from 95*l.* to 99*l.*, and the Commissioners recommended, that on the next avoidance these livings should be separated from the deanery. Last October that had taken place on the removal of Dr. Knox, and Mr. Plunkett had, notwithstanding the former decision of the Commissioners, been appointed to it. His question was, had the recommendation of the Commissioners been carried into effect by this appointment of Mr. Plunkett? The Lord Chancellor of Ireland was now here, and, as the right hon. Gentleman opposite had an opportunity of consulting with him, he was now probably able to answer his question.

Mr. *Stanley*: I agree in the general principle that has been laid down by the right hon. Gentleman; but when it is remembered how voluminous the documents are to which he has referred—that the Commission was only signed in April last year, and printed in July—and that it was in September last year that the vacancy in the deanery occurred, I trust that there will not be much blame attributed to us, when I candidly confess, that, when this appointment was made, the Government did not advert to the recommendation of the Commissioners; in the propriety of which, however, I most entirely concur. Let me also add, that at the time the present Dean was appointed to the deanery, he gave up in consequence a more valuable living; and certainly no such arrangement as that alluded to by the right hon. Gentleman was entered into with him on the occasion. It is, however, but justice towards him and the Lord Chancellor of Ireland, to state that, although he had made this sacrifice, on adverting to the report of the Commissioners he had signified, that there would be no objection made on his part to the Legislature taking such steps as it might think necessary for carrying into effect the recommendation of the Commissioners. The right hon. Gentleman must be aware, that there would be great difficulty in passing an Act on the subject during the present Session; but I pledge myself, next Session, if connected with the Irish Government, to bring forward a bill for the purpose of making the proper arrangement.

CASE OF SOMERVILLE.] Mr. Alderman *Wood*: I wish to know, whether any steps have been taken by the Government towards an inquiry into the proceedings of the Court-Martial on private Somerville?

Lord *Althorp*: In answer to the question of my hon. friend, I have to inform him that the Commander-in-chief is about to institute a Court of Inquiry into the circumstances of that Court-Martial; and I can assure my hon. friend that that Court of Inquiry will be so constituted, and the proceedings (I hope) so conducted, as to give satisfaction to the public.

Mr. *Hume*: After what has fallen from the noble Lord, I beg leave to withdraw my notice on this subject for next Tuesday.

Sir *John Hobhouse*: I beg to move that the Petition presented relative to this Court-Martial be printed, because I consider it important that every publicity should be given to the case.

Petition to be printed.

PRESENT TO THE KING OF PRUSSIA.] Mr. *Robinson*: I see by the papers that an expensive toy has been sent to the king of Prussia as a present, and I wish to ask whether the Government has gone to this expense without the authority of the Parliament.

Lord *Althorp*: The only answer that I can give the hon. Gentleman is, that no authority has been issued from the Treasury; but I am not further acquainted with the circumstances.

Sir *Byam Martin*: The hon. Gentleman is under a mistake if he supposes that any great expense has been incurred. I see it stated in the papers at 20,000*l.*; but I believe that I am pretty near the mark when I say that it will not exceed 500*l.* or 600*l.* The frigate has been sent abroad at the King's express desire, and under the direction of the First Lord of the Admiralty.

SUPPLY OF WATER TO THE METROPOLIS.] On the Motion of Lord Althorp the House went into a Committee of Supply.

Lord *Althorp*, in Committee, said, that when the civil contingencies were last before the House, a vote of 1,000*l.* to Mr. Telford was withdrawn, in consequence of the absence of the hon. member for Westminster, whose name was introduced in the discussion on that vote. The hon. Baronet being then present, he (Lord Althorp) wished to state the circumstances of the vote to the Committee. Several years ago great complaint was made relative to the supply of water to the Metropolis; and a Committee was appointed, of which the hon. Baronet was Chairman; and that Committee recommended that a Surveyor should be employed to ascertain whether such a supply as was required could be obtained. The Ministry of that day, however, finding that the expense of such a survey, according to Mr. Telford's

Report, would be extremely large, did not think themselves authorised in spending the public money for that purpose; and in this position the case rested till the present Ministry came into office. Application for a survey was then again made; to which his first answer was, that he entirely concurred in the opinion of the former Government. The hon. Baronet, however, pressed upon the Government the necessity of the survey taking place, and stated that, in case the Ministry thought proper to institute an inquiry, he himself would be answerable for any expense that might be incurred. He (Lord Althorp) was ready to admit, that the course which the Government adopted on this occasion was a course which ought not to have been taken; because on more mature consideration, he thought that they ought not to have permitted a private individual to defray expenses incurred for an object of public benefit. This, however, was not the view that was taken at the time; and in consequence the offer of the hon. Baronet was acted on. It now appeared that the expense would be something between 3,000*l.* and 5,000*l.*; and when he considered how much the health of the metropolis depended on a good supply of water, he thought himself justified in moving for a vote of 1,000*l.* in part payment of the expense of the survey.

Sir *Robert Peel* said, that when this subject had been last under discussion, the noble Lord had supposed him (Sir Robert Peel) to have been influenced by some personal feeling on this subject, than which nothing was more remote from his mind, as he had taken the subject up solely upon public grounds. There were two questions —first, whether the expense incurred were justifiable in itself; and, secondly, if justifiable, whether it ought to be defrayed by Parliament. He had always been of opinion, that it would not be just to charge the public generally with the expense of making surveys for the benefit of the metropolis; and he had also been of opinion, that the supply of pure water would be best obtained by public competition, and that it would be exceedingly difficult to sanction a grant for London, on grounds which were not equally applicable to Manchester and Liverpool, or, at all events, to Dublin and Edinburgh. He had never undervalued the importance of a supply of water for the metropolis, but, as a general principle, he thought it better that it should be undertaken by companies or individuals. The moment Government stepped in, there ceased to be a check upon its proceedings. Hitherto the metropolis had been supplied with water by the exertions of five or six companies competing with each other. Many of these had exerted themselves to improve the supply; they had constructed reservoirs, but the moment Government stepped in, their exertions would cease. They would have done more; and it had been the intention of some of them to draw their supply from the river Colne: for this purpose they had gone to great expense in surveys, and a Bill had been introduced into that House; but, on finding that the Government had taken the matter up, they stopped at once, after incurring, as he was informed, an expense of upwards of 5,000*l.* In every case he was opposed to interference by Government, and the propriety of his opinion was proved by the superiority of the supply of London, as compared with Paris and other capitals, where the governments chose to interfere. He admitted that there were justifiable complaints as to the badness of the water, but he objected to the expense of the survey. Suppose, however, the expense of the survey incurred, he could not understand how it was to be made available; for the Government could not force the water companies to make alterations, or do as they wished. He quite agreed that, in the first instance, it would not have been right that the hon. Baronet should be allowed to undertake this at his own charge: but, when the noble Lord had urged his objection to the principle, and that the hon. Baronet still persevered, and offered his guarantee for the expense to be incurred, he certainly did think that the hon. Baronet was called upon to fulfil that guarantee. From the papers on the Table, it was clear that the Treasury had been studious to fasten the expense on the hon. Baronet. Mr. Telford had said, that he felt a difficulty in acting under any authority, except that of the Treasury, and the noble Chancellor was right in giving that order; but he was also equally right in reminding the hon. Baronet of his guarantee. He maintained that the whole matter had much better be left to private speculation, and for that reason, in addition to the others which he had stated, he should certainly oppose this vote.

Sir *Francis Burdett* said, that as the water companies enjoyed a monopoly, under which they gave so bad a supply of water, and, at the same time, gained such enormous profits, he was clearly of opinion, that they ought to bear the expense of the survey, for which this vote was asked. In answer to the right hon. Baronet, he had only to state, that he was willing to bear all the cost of the survey, should the Committee decide that he was the responsible person. Indeed, he felt so strongly a conviction of the great benefit which would accrue to the public from a supply of pure water, that he should feel that he had not lived in vain, if he could persuade himself that he had been at all instrumental in obtaining for his fellow-citizens so important and salutary a necessary of life as pure water. It would be for the Committee to decide whether he or the Government should bear the expense: but, whatever was the issue, he would, at every personal cost, persevere. At the same time, he thought it would be but just that the House should comply with the recommendation given in the Report of the Committee which had been appointed to inquire into this subject, and which was unanimously of opinion that the survey should be made.

Mr. *Robinson* thought, so much money should not be voted for the completion of a survey, from which it was doubtful if any practical benefit would result.

Mr. *Spring Rice* defended the vote. It was in principle similar to the cost of surveys of new lines of road (the Holyhead, South Wales, and York, for example), which the Government took upon themselves, though the forming of the roads was left to private enterprise. Though the money thus expended had, in the first instance, benefitted private individuals, it had ultimately proved a great public advantage. The right hon. Gentleman was wrong, therefore, in supposing that there was no precedent for this sort of vote. But the precedent went further; for, in the case of Dublin, to which the right hon. Gentleman had alluded, the Government had not only obtained information, but had gone far to supplying the water itself to Dublin. It would be establishing a very objectionable precedent, to make the hon. Baronet pay for an undertaking from which the public would derive the benefit, and in which he could have no personal interest, and he was sure the Committee would not for a moment entertain the proposition.

Mr. *Warburton* said, that he objected to the inquiry being further pursued at the public expense—at least if it was to be conducted in the way in which it had hitherto been. There had been originally much exaggeration as to the state of the Thames water. Why it was celebrated all over the world; and he was convinced that if it was examined fairly, it would be found to be better than the water which it was proposed to fetch from a distance.

Mr. *Goulburn* objected to the proposed survey, for he did not believe that any ulterior result could be obtained from it beneficial to the public, for the companies would not avail themselves of the suggestions that the Report might furnish. It was true that the Government had paid for the information that was given to the water companies of Dublin, but then they had bound the water companies, at the same time, to erect public fountains for the use of the poorer classes there, so that a great public benefit was the immediate object in view.

Mr. *Vernon Smith* thought, there was no difference between the case of the Government furnishing information with respect to the formation of roads, and their furnishing it with respect to the means of supplying water. The Thames water would not necessarily be excluded from use by this examination; and as to the assertion that the companies would not avail themselves of the information, he believed that the effect of competition would enable them to do so. Indeed, the New River Company had already declared themselves ready to avail themselves of the information which might be afforded. He thought that the money would be well expended in carrying into effect an object which Committees and Commissioners had equally recommended.

Mr. *Briscoe* said, he should vote for the Motion, as he thought the inquiry might be productive of great public benefit. He believed that the water companies would take no steps to improve the supply of water, if they did not see the Government moving in the matter. He gave his sincere testimony of respect to the hon. Baronet, the member for Westminster, for his liberal offer, but thought that the House ought not to take advantage of the hon. Baronet's generosity.

Sir *Robert Peel* said, that when he had, during the time he was in office, been applied to for an order, directing Mr. Telford to go on with the examination which was recommended by a Committee, he had declined to grant the order, solely because it was irregular in any officer of the Government to incur any such expense upon the mere recommendation of a Committee. He was not entitled to do so till the recommendation had received the sanction of that House.

Lord *Althorp* certainly thought it desirable that something should be done, and unless the Government took up the matter, he feared that the survey would not be made. It was asked, what good would arise from the survey? Why, this good—that the public would know that means did exist for furnishing them with better water than they were supplied with at present. If that information was given, he was sure that there would be found plenty of individuals who, if not for any other cause, at least for their own benefit, would take advantage of it.

Sir *Robert Peel,* after what had passed, saw clearly in what way the vote would be carried, and he should not waste the time of the Committee by a division. He should only say now, that it would be a great advantage if Mr. Telford was called on to say in what state the survey was at present, and what was the prospect of its being finished.

Lord *Althorp* stated, that the survey was in a very advanced state, and had been suspended only from what had taken place in the Committee on the former occasion.

Mr. *Hunt* was astonished at the disposition shown to resist the trifling expense for the improvement of the supply of water, when millions and millions had been so freely voted away for other purposes not half so good. There was no doubt the Thames water was excellent, but then a great many things got into it that were very bad, and, in his opinion, the money required would be well expended in trying to ascertain how that could be avoided. This was an expenditure for the good of the poor, and he should support it. He should now say a word as to the hon. Baronet, the member for Westminster. When he (Mr. Hunt) was in Ilchester Gaol, which he was at the time that this discussion first began, he thought that the hon. Baronet's interference in the matter was very well—that it was doing something for his constituents in return for their electing him free of expense—that, in short, it was a good electioneering scheme; but since then he had investigated the matter out of doors, and the result was, that he thought the whole of the hon. Baronet's conduct in the affair was such as to reflect the highest honour upon him. As he (Mr. Hunt) entertained that opinion, he felt bound to express it, though he and the hon. Baronet differed on so many points. He hoped the Government would go on, and complete the inquiry as to improving the water. If the attempt succeeded, it would be a great public advantage; if it failed, the money would not have been thrown away on a worthless object.

Mr. Alderman *Wood* should support the Motion. The discussions on this subject had already occasioned a great improvement in the water that was furnished to the metropolis.

Vote agreed to.

The sum of 202,482*l.* 10*s.* 10*d.* was then voted for the charge of the Disembodied Militia of the United Kingdom, from January, 1832, to March, 1833.

The House resumed.—The Resolutions reported.

Forms of Proceeding.] Lord *Althorp,* in rising to move the Order of the Day for the House to resolve itself into Committee on the Reform of Parliament (Ireland) Bill, begged to ask the Speaker a question. When they were last in Committee, his hon. friend, the member for Mayo, wished to introduce an amendment to disfranchise certain towns in Ireland, for the purpose of enfranchising certain others. He thought that his hon. friend could not move such an amendment without an instruction from the House. He had been since informed, that it was competent for his hon. friend to move his amendment in Committee, without a previous instruction. Certainly that would be the more convenient course, but he wished to ask as to the point of form.

The *Speaker,* before putting the question on the reading of the Order of the Day, would answer the question of the noble Lord. It was no doubt competent to the hon. Gentleman to offer the amendment, of which he had given notice in Committee. The House knew that instructions were only necessary to give a power to a Committee to do acts which the Committee would not otherwise have power to do. Under any other circumstances they were, to say the least of them, useless; for they took up the time of the House by a discussion which could lead to no result. They had also this bad effect; that they went, to a certain extent, to limit the freedom of the Committee, the question involved in the proposed instruction having been prejudged by the House. Any amendment of the description of that proposed by the hon. Gentleman, could be moved in Committee, provided it did not go to alter a part of the Bill previously agreed to, for the Committee could not go back. If he understood the nature of the amendment, its place in the Committee would be after the Bill had been gone through; so that the hon. Gentleman had not lost anything by the delay. The question was, that the Order of the Day for the House resolving itself into Committee on the Reform of Parliament (Ireland) Bill be read?

Mr. *Dominick Browne* said, that he would move in the Committee the Amendment, for which it had been his intention to move an instruction to the Committee.

PARLIAMENTARY REFORM-BILL FOR IRELAND—COMMITTEE—SIXTH DAY.] House then went into Committee.

The 10th and 11th Clauses were agreed to, with verbal amendments.

On the reading of the 12th Clause,

Mr. *Stanley* said, that he desired to propose an Amendment, by which a great inconvenience would be removed in the existing mode of registration. In every county a large number of the electors were compelled to travel to a great distance, to give twenty-one days' notice to the Clerk of the Peace, before they could register their qualifications. Now he proposed, that the notice should be served upon the High Constable of the barony in which the elector resided, and that the Constable should be bound to transmit the notice to the Clerk of the Peace.

Mr. *O'Connell* said, that the Amendment was highly satisfactory, and would effect a great improvement in the registration.

Clause agreed to.

The 13th Clause, after some verbal amendments, was also agreed to.

On Clause 14 being read,

Mr. *Wallace* moved an Amendment, the object of which was, to prevent the interference, in the business of registration, of any persons, except those claiming to be electors, or their attorneys. His object was, to prevent captious objections, and to prevent persons being taken by surprise.

Mr. *O'Connell* supported the Amendment. Although the registry had been improved, it still imposed hardships on the Irish electors to which the English electors were not subject, and this Amendment would get rid of one of them.

Mr. *Spring Rice* said, it would have the effect of reproducing the evil which it was intended to prevent.

Mr. *O'Connell* mentioned, that he had received a letter from Westmeath, in which the Barrister was blamed for partiality, inasmuch as, during the sessions, he remained at the house of one of the members for the county.

Mr. *Chapman* said, as individual character was in question, he felt himself, however unwilling, compelled to say a few words. He certainly had heard that, during the sessions, the Assistant-barrister did stop at Rochfort; but, in so far confirming the truth of the hon. Member's information, he did not at all mean to, in any degree, insinuate any charge against that gentleman. He was really incapable of giving any opinion as to that gentleman's merits in respect to registering voters, as he had never attended any of the county registries; he must be considered, however, as in no way wishing to join in any censure of Mr. Mayne, or as intending to convey any imputation respecting his conduct. As to the fact of attornies having been employed to assist at the registries, he could state, that two had been so employed at the last sessions in Westmeath. He thought, however, that in the end every candidate would be obliged to have recourse to legal assistance, to enable him to register the voters in his interest.

Mr. *Crampton* observed, that the Amendment would not limit the interference with registration, which might proceed just as extensively under the Amendment as under the original Clause.

Mr. *O'Connell* said, that on the following day he should transmit to the learned Solicitor General for Ireland the words which his hon. and learned friend (Mr. Wallace) had used, and he proposed to introduce; and, if they were approved of by the promoters of the Bill, they might be inserted on the bringing up of the Report.

Clause agreed to.

Clauses 15, 16, and 17, were then agreed to.

On Clause 18 being put,

Mr. *O'Connell* objected to greater facilities being enjoyed by 40*s*. freeholders in towns, than were open to freeholders in counties. Equal privileges should be extended to all.

This was concurred in by Mr. Wallace and others; and, after a few words from Lord Althorp and Mr. Stanley, it was agreed, that words should be introduced to effect the object which the hon. and learned Gentleman had in view.

Mr. *Dominick Browne* begged to relate an instance of the mode in which the registry of the 40*s*. freeholders was occasionally conducted in Ireland: 700 of them were, in a town in Mayo, registered by two Magistrates in one day. But how was this? They were brought up in batches of ten, and the Clerk wiped the book in one fell sweep against the lips of all, and the oath was taken.

Clause agreed to, as were the intermediate Clauses to the 30th.

On the Motion that Clause 30 be agreed to,

Mr. *O'Connell* said, that care should be taken that no one should be able to vote on the production of a certificate of registry that had been granted to another man. He recollected more than one instance in which this had been attempted. On one occasion in particular, when he was acting as Assessor, a man came up with a certificate granted to a person named John Moran. The certificate was signed with a cross for John Moran; but it was suspected that the certificate had not been originally granted to the person who then bore it, and he was informed that the man who presented it was not an illiterate man. In order to determine that point, he said to the man, "John Moran, write your name." The man took up a pen, and wrote "Thomas O'Brien." To prevent this sort of fraud, he recommended the annual publication of the list of voters, as in England.

Lord *Althorp* said, he saw no great objection to this annual publication of the list; but he wished the Irish Members to wait, in order to see how that plan worked in England before it was introduced into Ireland. He believed it was a good plan, but he wished it to be tried here first.

Clause agreed to, as were other Clauses up to 53 inclusive.

Clauses 54 and 55 were postponed.

The remaining Clauses, and several additional Clauses proposed by Mr. Stanley, were agreed to; and the Chairman reported progress.

The House resumed—the Committee to sit again.

HOUSE OF LORDS,

Monday, July 9, 1832.

MINUTES.] Bills. Read a second time:—Ecclesiastical Courts; Appellate Jurisdiction.

Petitions presented. By Lord DOVER, from Blackburn, Folkestone, and Aisgarth, against the Punishment of Death.—By the Earl of CAMPERDOWN, from Banff, to make that Town the Place of Election for the Elgin District of Boroughs; from Kirkaldy, Dundee, and St. Andrew's, for an Alteration of the Qualification Clause; and from Cupar, in favour of the Reform Bill (Scotland).—By the Earl of ROSEBERRY, from Greenock, against adding that Town to Glasgow in returning Members to Parliament under the Reform Bill.—By the Duke of HAMILTON, from Bridgetown and Greenock, for passing the Reform Bill for Scotland as speedily as possible.—By the Duke of BUCCLEUGH, from Kincardine, and four other Counties, for Compensation for Superiorities; from Ross-shire, for a separate Member to that County; and from Hamilton, for an Alteration in the Boundary Bill.—By Earl GREY, from Port Glasgow and Newark, for an Alteration in the Scotch Reform Bill; from Arva, against the Reform (Ireland) Bill; from Darlaston, for replacing Walsall as the Election Place for the Southern Division of the County of Stafford; and from Charles Attwood, against the Anatomy Bill.—By Lord KING, from Hacketsdown, and five other Places, for the Abolition of Tithes.—By Earl GREY, from Killaney, against Tithes and Church Cess.

THE YEOMANRY OF IRELAND.] The Earl of *Glengall* said, that seeing a noble and learned Lord in his place, he rose to put a question, arising out of an observation made by that noble Lord, on a late occasion, relative to the employment of the Yeomanry force in Ireland. It would be in the recollection of the House, that, some time since, the noble Viscount, the Secretary of State for the Home Department, admitted that a Magistrate had the power of calling out the Yeomanry; and, from all that he heard in that debate, he supposed the rule was settled; but, to his astonishment, he heard the noble and learned Lord express his opinion, that it was illegal for the Magistracy of Ireland to call out the Yeomanry. Now, it was most desirable, in the present unsettled state of the country, that a distinct understanding should be come to on this important subject. By the 43rd of George 3rd, the militia of England and Ireland were put on an assimilated footing or basis; and his object in rising now was, to have this question settled before the separation of Parliament, and ascertain from the Lord Chancellor of Ireland, upon the authority of what Act of Parliament did he found the opinion he had uttered on a former occasion, that the Magistrates in Ireland were not empowered to call out the Yeomanry in a case of emergency.

Lord *Plunkett*, after remarking that this application to himself personally, and more particularly as he had received no previous intimation of such an intention on the part of the noble Lord, was not according to the general usage or courtesy of their Lordships' proceedings, regretted that he had no previous opportunity of referring to authorities on that subject, or of making preparation, because it might be possible he had not all the information to give the noble Lord on the subject which that noble Lord might have desired to obtain. The opinion delivered before by him on this subject was that which had been held by the law-officers of the Crown in Ireland. It was in effect this—that the Magistrates in Ireland had, neither by the Common Law nor Statute, a right to call out the Yeomanry, as such. He was certainly of that opinion, though he agreed that a man, by entering into the Yeomanry, or even military, lost none of the civil rights he before possessed; so that, were a riot to take place, such persons, though Yeomanry or soldiers, might be called on by the Magistrates to assist in putting down a tumult or disturbance, and preserving the peace. But this appeared to him very different from calling out the Yeomanry or military as such. It was a power vested, by the common law, in the Magistrate, to call on them in their individual capacity. It would have been more fair, in discussing this question, that the noble Lord should not have put this question to him, but that he should have demanded of that noble Lord, by what Statute did he make the affirmative of the proposition appear? Yet he would, out of courtesy to the noble Lord, state what the assimilation of the Yeomanry and militia of England and Ireland consisted in; or rather, in what respects they were in a dissimilar situation as to the power of being called out. By the 52nd George 3rd, the right of the Lord lieutenant of counties, and, in his absence or under certain circumstances, of the Sheriff, to call out the Yeomanry, or Militia, was recognized; and that Act provided, that the Yeomanry or Militia, so called out, should be entitled to their pay. The Act, as applicable to the Yeomanry force, or Militia, in Ireland, only recognised the power of the Lord Lieutenant of Ireland to call out this description of force, as being the better and safer judge of the necessity for their assembling or being embodied. There was a decided distinction between the circumstances under which the latter would be placed, and the other, if called out by any other mode; for, if the English Yeomanry were called out, they would be immediately under military control, whereas the Irish Yeomanry would be under no such control. As Ireland was now situated, it would be attended with great danger, if a force of this kind were to be called out uncontrolled by proper authority.

The Duke of *Wellington* was of opinion, that the whole of the difficulty which the noble and learned Lord seemed to experience in answering the question of the noble Earl, had arisen from the manner in which the question had been put. To call out the Yeomanry, usually meant to call them out for service, and to pay them, and that no Magistrate in England or Ireland, but a superior authority, was entitled to do. But any man, he did not care who he was, or whether he belonged to the Yeomanry or the military, in England or Ireland, was liable, in the case of a riot or a disturbance, to be called out by a Magistrate to preserve the peace.

Lord *Plunkett* said, that he never questioned the liability of all persons, according to the common law, of being called out as the noble Duke had stated; but what he questioned was, the power of a Magistrate in Ireland calling out the Yeomanry, as such. With respect to the particular case of Captain Graham, to which this question had special reference, he had no hesitation in saying, that the act done by Captain Graham was illegal. Captain Graham, apprehending that a riot would take place on a certain Monday, sent, on the Saturday preceding, round to the commanders of the different corps of Yeomanry in the neighbourhood, calling on them, as military bodies, to be in attendance to suppress it. Now, he had no hesitation whatever in saying that that was an illegal act on the part of Captain Graham.

The Earl of *Glengall* contended, that there still remained a material difference between the statements made by the noble and learned Lord, and the noble Viscount (Melbourne) on this subject, which required further elucidation.

Earl *Grey* apprehended that a question of this nature could not be settled even by a resolution of that House, much less by the expressed opinions of any individual Peer; and that the difficulties which had arisen with regard to it could only be settled, if necessary, by a declaratory Act of Parliament. He concurred with the noble Duke in thinking, that much of the difficulty in answering the question of the noble Earl had arisen from the manner in which that question was put. He believed there was no doubt that, neither here nor in Ireland, could Magistrates call out the Yeomanry, as a military body, for maintaining the preservation of the public peace—that power was given to the Lord lieutenants of counties, and Sheriffs, in England, and was exclusively confined to the Lord Lieutenant in Ireland. Of course, every individual was liable to be called on to discharge those duties which devolved upon every British subject; and, though he might not be liable to be called upon by a Magistrate as the member of a Yeomanry corps, or of any military body, to preserve the peace, still he was liable to be called upon as an individual member of society to do so. He did not impugn or deny the statement of the noble Duke to that effect, but he would submit to their Lordships, whether a question, involving considerations of a very important and delicate nature, connected with military discipline, which was already sufficiently understood, was one that ought to be debated, or agitated, at present; and he begged to intimate to the noble Earl, if he wished to press this matter further, that it could only be settled, if any doubts existed with regard to it, by a declaratory Act upon the subject.

Lord *Wynford* concurred in a great portion of the law laid down by the noble and learned Lord opposite; but, with respect to the case of Captain Graham, he must say, that, judging from the letters on the subject, Captain Graham had been guilty of nothing that was illegal. However, he hoped that a declaratory Act would be brought in to settle all doubts on such an important subject as this.

The Marquess of *Londonderry* wished to know, whether any fresh instructions had been transmitted by his Majesty's Government to the Lord Lieutenant of Ireland on this subject, and whether, if so, there would be any objection to lay them before the House.

The Marquess of *Clanricarde* hoped that no answer would be given to the question of the noble Marquess, on a subject which could be only settled by a declaratory Act. When the Yeomanry were called out in England by the Lord lieutenants of counties, or Sheriffs, they were under martial-law; but, if called out by a Magistrate in Ireland, they would be under no such law; and if the noble Marquess, as the commander of a corps of Yeomanry, under such circumstances, should attempt to cut a member of the corps for running away, he would be liable to be punished for the act. He hoped that some declaratory law would be introduced to put an end to all doubts on this subject.

The Marquess of *Londonderry* said, that, having a stake in the country, he wished to know, from the best authority, what was the law on the subject.

Viscount *Melbourne* said, that there was no diversity of opinion on this subject between him and his noble friend near him, or any other member of his Majesty's Government. His opinion, as he had formerly stated it, was founded on that principle of the common law, as explained by his noble and learned friend—namely, that any man was liable to be called upon to preserve the peace, and that Magistrates could call upon the members of Yeomanry corps, as well as other individuals, for that purpose.

PUNISHMENT OF DEATH BILL.] The Order of the Day for considering the result of the conference with the Commons, on Friday, with regard to this Bill, having been read,

Lord *Wynford*, who had proposed the Amendments, intimated, that he meant to submit to their Lordships, resolutions insisting on the first and last of these Amendments. The abolition of the punishment of death extended to cases of private stealing in a dwelling-house, and of stealing horses and sheep, and he insisted that this species of property would be left without protection, if the punishment of death were abolished, without substituting the severest secondary punishment. The Bill, as it came from the Commons, had enabled Magistrates, as well as the superior Judges, to sentence to various periods of transportation and imprisonment; and he had proposed the Amendment, that the sentence should invariably be transportation for life, leaving it to the Crown to modify the sentence, where that might appear proper. He was far from being sure that even this would be a sufficient security; for it was well known, that transportation was, in many instances, hardly regarded as a punishment. But, at least, they ought to have that security to the fullest extent. People talked of humanity; but humanity, of late, had taken a wrong turn; for it sympathised with the rogue rather than with the honest man. The Government had the power to transport to Sierra Leone, or others of the colonies, besides New South Wales or Van Diemen's Land; although he had no doubt but the power would be humanely exercised by the Crown; and he had proposed amendments in that respect, and, also, as to the employment of the criminal in the most unpleasant and disagreeable kinds of military labour; but these, his second and third amendments, he did not at present mean to insist upon. But he would propose to their Lordships a resolution insisting on the fourth and last, which was to restore the old law by which felons under sentence of transportation could neither acquire nor retain property. This law had been lately abrogated, and the effect had been mischievous. Receivers of stolen goods and others went out with property, and were hired by the Government as labourers to inhabitants of the colony. They then purchased up their term of service, and suffered no inconvenience from their sentence, except that they could not return to this country. He had proposed the re-enactment of the old law, by which felons under sentence of transportation should neither acquire nor retain property, and this he proposed to insist upon; and he meant also to insist on giving a legislative sanction to certain regulations made by General Darling for New South Wales. The regulations were, that felons transported for seven years should not have their tickets of leave, or, in other words, be pardoned, until they had served four years—that those transported for fourteen years should not have their tickets of leave till they had served six years—and that those transported for life should not have their tickets of leave till they had served eight years. These regulations had been attended with the best results, and he had proposed to make them binding on other Governors, and to extend them to Van Diemen's Land, and other colonies.

Lord *Dacre* concurred in the first proposition of his noble friend, and was proceeding to the others, when

Lord *Wynford* reminded the noble Lord that he had given all up except the first and last.

Lord *Dacre* said, that he was satisfied with that course.

The *Lord Chancellor* expressed his concurrence in the first and the last Amendments, which he thought were great improvements on the Bill, and which, without any disrespect to the other House, he thought ought to be insisted upon.

The Resolutions, that the House do insist upon the Amendments to the first and last section, were put and agreed to.

Viscount *Melbourne* then moved, that the Committee of Lords, who had held the conference with the Commons, on Friday last on this subject, be appointed to meet the Commons again in conference, and to acquaint them with the Resolutions to which the House had come.

Motion agreed to, and conference held, in which the Lords communicated to the Commons their reasons for adhering to the Amendments.

REFORM OF PARLIAMENT (SCOTLAND)—PETITION.] The *Lord Chancellor* presented a Petition from the Sheriffs Depute of Scotland, against that Clause of the Scotch Reform Bill which rendered them liable to certain penalties for omissions in the new duties which would devolve on them under the Act. They prayed that parties bringing actions against them under the Act, should be obliged to give security for the payment of costs in case of verdicts being given for the petitioners.

The Earl of *Rosslyn* agreed with his noble friend in his opinion of the Sheriffs Depute of Scotland, and he thought that they ought also to be secured against more than one action for the same cause.

Petition to lie on the Table.

DIVISION OF COUNTIES AND BOUNDARIES' BILL—THIRD READING.] Order of the Day for the Third Reading of this Bill read.

The Duke of Richmond moved that the Bill be then read a third time.

The Marquess of *Clanricarde* stated, that by the Bill as it stood, the town of Thornbury was made the place of nomination for the western division of the county of Gloucester, but it was well known that the town of Dursley would be much more convenient to the great majority of the electors of that division of the county. He, therefore, would move as an Amendment, that the town of Thornbury be omitted for the purpose of substituting Dursley.

The Duke of *Richmond* would not object to the proposed alteration. When the subject was brought under the notice of the Government a few days ago, one of the Commissioners was sent down to make inquiries on the spot. He did so, and from his report it appeared, that in point of distance Dursley was more convenient to the adjoining district than Thornbury, but the latter town had this advantage, that being in the midst of an agricultural district, it was a more quiet place for a nomination than the former, which was in the centre of a manufacturing district. However, as Dursley was said to be more convenient as to distance to the majority of voters, he would not oppose the Amendment of his noble friend.

Lord *Ellenborough* said, that Thornbury had been substituted for Wootton-under-Edge in the House of Commons, because of the likelihood that the large manufacturing population there would cause riot at the election. Dursley was only three miles and a half from Wootton-under-Edge, and the same objection existed to its being the place of election. He opposed the Amendment.

The Marquess of *Clanricarde* thought that the reason assigned by the noble Baron could not be justly maintained.

The House divided on the Amendment:—Contents 46; Not Contents 27—Majority 19.

The Duke of *Richmond* said, that many applications had been made by the inhabitants of the western division of the county of Sussex to have Arundel added to the polling places in that county, and he understood that several of their Lordships were anxious that that addition should be made. He had received a letter from the Mayor of Arundel, threatening that if this alteration were not made, his brother should hear of it at the next election. If any noble Lord wished to move for the addition of Arundel as a polling place he should not oppose it, but he was desirous that the Gentleman who had written so improper a letter should know that he had not succeeded by means of his threat, but that, if he (the Duke of Richmond) did not resist the proposition, it was simply because he thought it a matter of no importance whether there were four polling places or five.

Earl *Gower* moved, that Arundel should be inserted as one of the polling places of the western division of Sussex.—Motion agreed to.

The Earl of *Abingdon* moved an Amendment to the passage relating to the borough of Abingdon, confining the boundary to the old borough.—Agreed to.

The Duke of *Richmond* moved, that the alteration he had formerly proposed, extending the boundaries of the city of Gloucester, be omitted. He was convinced so extensive an alteration ought not to have been made without more notice than was given of his intention.—Motion agreed to.

The Duke of Richmond moved that the Bill do pass.

Lord *Wynford* could not allow the Bill to pass without again complaining of the manner in which the boundaries of some boroughs had been adjusted. He certainly was still of opinion that Cudlip Town, to quote one instance, should be included in the borough of Tavistock.

The Duke of *Richmond* said, Cudlip Town was five miles from Tavistock, it had never been included in the borough and contained about twelve 10*l.* houses.

Earl *Grey* took that opportunity of bearing testimony to the valuable services of the Commissioners, and the deep debt which the public owed them for their labours. The diligence, accuracy, and impartiality with which those Gentlemen had executed the task assigned them were beyond any praise that he could bestow upon them, and fully entitled them to the approbation and gratitude of the public.

The *Lord Chancellor* begged to add his humble testimony to the notice which had been so justly taken by his noble friend of the very great services performed by the Commissioners. Certainly, no duty could have been discharged with more zeal, talent, and industry, and, above all, with more strict impartiality, than had been proved in the course of the unremitting and assiduous labours of those gentlemen. Their decisions, in many instances, furnished unquestionable proofs that they had not suffered themselves to be influenced by any particular interest, or by any bias in favour of the Government, but acted with perfect independence and impartiality.

Bill passed.

PARLIAMENTARY REFORM—BILL FOR SCOTLAND—COMMITTEE.] The Order of the Day having been read for going into Committee on the Reform of Parliament (Scotland) Bill,

The Earl of *Mansfield* said, that no discussion having been elicited on a former occasion when this Bill was before the House, and there being a very small attendance of Peers, and particularly of those noble Lords to whom he looked for support for his views on this subject, he hoped he might then claim the attention of the House while he expressed his opinion on the statement which had been made of the system of Representation in Scotland as contrasted with that of England, in order, if possible, to remove some prejudices from the minds of those whom that statement might have influenced. As to the dangers which might arise from the system of Representation in England, lately introduced by the Reform Bill, he would not speak. It was natural, he admitted, that his Majesty's Ministers should extend to Scotland some Reform; and it was also natural that the people of that part of the kingdom should feel a very strong wish to participate in the Representation: therefore, he did not object to the second reading of the Reform Bill for that country, nor was he prepared finally to object to it, because he entertained the hope that some amendments might be introduced to remedy, if not all, at least most of the glaring defects which it contained. At the same time, he begged leave to express his surprise when a general measure of Reform, which was to affect the three kingdoms, was determined on, that the whole plan was not simultaneously introduced, so that, in the apportionment of the Representation, a due number of Members might have been assigned to each part of the empire. Had this been the course adopted, Scotland would have been entitled to a greater share of the Representation than was now assigned to her. His wish was, that she should have her fair proportion; though, if he had credited those censures which had been cast upon the existing system of Representation in Scotland, it was possible he might have thought that the proportion of Members given to that country at the Union should have been diminished. But the reverse was the fact:—Scotland had increased in population and in wealth forty-fold, and was entitled not only to a larger proportion of Members than was now to be given to her, as between England and Ireland, but even to a much larger share in the whole Representation. He did not mean to say, that the people of Scotland had been very anxious to have the number of their Representatives increased: and their practical good sense had been eulogized by some on account of their conduct in this respect. Whether, agreeably to the opinion of the proposers of this Bill, it should be a final measure or not, he was certain that that scheme which had been introduced in England, of which this was a mere part, would not be final. It was impossible that the people of this country should be satisfied with this alteration of the old system. An arbitrary qualification had been created over all existing rights—a qualification which could never be gratifying to those who claimed a more extended right of suffrage, and who, in some places, had exercised it without reproach. Nor was it satisfactory to those who thought that property should have a more extensive influence in the Representation. He was convinced that the measure could not be final. The people of Scotland, he was ready to admit, were much disposed to view Parliamentary Reform as a great boon. They had hailed it with delight; but when that good sense which the people of that country generally possessed, should have returned, then would they, with a due regard to their own interests, perceive that they had not had a fair share of the Representation extended to them; and they would openly demand more, when they recollected that it was originally intended by the proposers of the Bill, that they should have a greater portion of Representatives; but that, by the interference of certain parties, that arrangement was changed. The people of Scotland had, therefore, a right to say that it was not a matter of vital importance to England whether Scotland should have a larger portion of Members of Parliament assigned to her; while, it was very important to the interests of Scotland, that she should have an increased number of Representatives, in proportion to her increased population and wealth since the Union. This question, therefore, must receive the attention of Parliament. He had said, that the elective system of Scotland admitted of improvement; but, at the same time, no man deprecated more strongly than he did the introduction of the English system of Representation. It was true, there were anomalies apparently in the Representative system of Scotland, though he did not think they were well understood; but, it had never appeared to him, that the system had been attended with any practical disadvantages. It had happened to him, repeatedly, to hear persons in Scotland, differing in opinion on other points, united in expressing admiration of the good practical effect of the Scottish system of Representation, in which the elections were conducted at a comparatively trifling expense, and without that drunkenness and bribery which had so frequently been alleged to take place in England, affording a striking contrast. He doubted if their Lordships would find those changes to be improvements; he was certain that, under this Bill, scenes of corruption, drunkenness, and bribery, hitherto unknown in Scotland, would be introduced. If improvements were suggested, it was their duty to consider them; and he only asked their Lordships not to adopt this Bill in all its provisions without giving due consideration to it, and not to assume, because the principle of Reform was carried, that it necessarily followed that they must consent to all the enactments of a Bill proceeding upon that principle. Necessary, he admitted it was, that Reform in Scotland should follow Reform in England; but this Bill was professedly not one of Reform, but a novel experiment, the result of which was, therefore, uncertain. He hoped that their Lordships would attentively consider the present system, and not assume, that because defects were imputed, they of necessity existed. The existing qualification of voting in Scotland was detailed to their Lordships by the noble and learned Lord the other evening; but, as that noble Lord did not enter at all into the history of the successive changes which it had undergone, he might, perhaps, be excused if he troubled the House with a few observations on that point. The Parliament of Scotland consisted originally of the great barons and the clergy, to which were added, at a later period, the Commissioners for the royal burghs, and the Representatives of the lesser barons holding *in capite*. The right of voting at the election of Commissioners for shires or Representatives was restricted to possessors of a 40*s*. land held *in capite* actually residing within the shire. In 1661, to this class was added another, comprising all heritors, life-renters, wadsetters, and others holding directly from the King *in capite*, who possessed land of the yearly rent, feu-duties deducted, of 1,000*l.* scots. In 1681 this qualification was altered, from the difficulty which was found to exist in ascertaining what lands really were of the yearly rent of 1,000*l.* Scots—a difficulty similar to that which their Lordships would have to contend with in some parts of this Bill. In 1681 an Act was passed, declaring such only capable to vote and elect who were possessed of a 40*s.* land of old extent, held of the King, or of 400*l.* Scots valued rent, residence also being indispensable. It was clear that the qualification of a voter was holding lands directly from the King, and the qualification of the electors was the same as that of the Representative; in fact, their interests were inseparably conjoined with his. The nature of a Scotch superiority, or qualification for voting, was described to their Lordships the other night, so far as it could possibly be made intelligible to English ears, by the noble and learned Lord on the Woolsack. He congratulated himself that the task did not devolve upon him, for he was confident that he should have been unequal to it. According to the explanation of the noble Lord, it was something of the following nature. Suppose a manor in England, in which the Lord had parted with all his interest, except a quit-rent, he being unable, without the consent of the holder, to enter upon it without trespassing, and they might have some idea of a Scotch superiority. The noble and learned Lord stated, that it would be possible for all the county Members of Scotland to be returned by the bankers in Lombard-street, themselves actually unconnected with the property. He would not say that that was an exaggeration, because he could state a still greater. He had seen it asserted in a petition, that it was possible for one man to possess all the land in Scotland, yet, not being a superior, to have no vote; and for another to have all the superiorities, and yet, possessing no land, to have all the votes. But he begged leave, certainly with great diffidence, to doubt whether a superior was so totally unconnected with the land from which he derived his superiority. That the present qualification was too high, that it was too aristocratical, too confined, and that it should be extended, were fair arguments, but that it was a qualification separate from property he could not admit. The noble and learned Lord read their Lordships a list of the number of voters in the different counties of Scotland, distinguishing those who really possessed property in them, from those who had no property. He did not remember the exact numbers, nor did he know from what documents they were taken, but he had seen several different statements on the subject, and he had looked over one made by a person who was an advocate for Reform, in which he complained of the number of paper voters in the county of which he more particularly spoke. He said, that the whole number of votes for that county was 140, of which thirty-five were derived from the possession of property, seventy-three were life-rent votes, and the remainder were superiorities. Here, then, this person was compelled to admit, that there were seventy-three voters who derived their qualification from life-rents, and thirty-five who derived theirs from property, both of which classes were connected with property in the country; so that, even supposing the whole of the superiorities to be distinct and entirely separate from property, there was in that county a large majority of voters connected with the property of that county. Then it was proposed by the Bill to substitute another qualification for these superiorities—to substitute, in fact, the *dominium utile* for the *dominium directum.* Certainly, the extension of the right of voting, in the English Reform Bill, to copyholders as well as to freeholders, was not liable to any objection; but, with regard to this Bill, the landed interest of Scotland, accustomed to a high qualification, would have been better pleased if the qualification under this Bill had been a little higher. Some censure was the other evening bestowed on the old Parliament of Scotland, as well as on the present system, and the conduct of the Representatives of that country. That Parliament did not, perhaps, present a very uniform appearance; that there were many anomalies in it, that it was subject to great changes, and that it was not a very intelligent audience, he was willing to admit; but he was not, at the same time, ashamed to confess, that in his mind, so much knowledge was never compressed into so small a space as was contained in the three small volumes of the Acts of that Parliament, which were always lying on their Lordships' Table. The humanity and wisdom of some of the Acts therein contained, afforded a remarkable contrast to some passed by the English Parliament at the same period. A legal friend of his supplied him with an instance which was a specimen of the English legislation of the time of Edward 6th; and when he came to the House that evening, he looked for the Act alluded to, which he had some difficulty in finding. It was the 1st of Edward 6th, cap. 3, and was intituled "An Act for the punishment of Vagabonds, and for the relief of the Poor and Impotent persons." It ordained, that every person not impotent, loitering, or wandering, and not seeking work, or leaving it when engaged, should be considered as a vagabond; and, being apprehended by his master, should, on conviction before two Justices, be marked with a V., and be adjudged a slave to such master for two years, to be put to any labour, and kept on bread and water, or small drink, and such refuse of meat as his master should think fit. If he ran away, he, on conviction of so running away, was to be branded with S., and become the master's slave for ever; and a repetition of that offence was to be adjudged felony, and the slave was to be condemned to suffer death. But, in this respect, the Parliament of Scotland, he was happy to think, had been guided by principles far more creditable to them, both as men and as legislators, than of those which characterized the acts of the Parliament of England. The noble and learned Lord paid what, he trusted, was not an involuntary compliment to some of the institutions of Scotland—institutions for which she had to thank her Parliament. In adverting to the details of the Bill, he stated, that the duties assigned to overseers in the English Bill were, in this Bill, to be performed by the schoolmasters, and, in so doing, he expressed his regret that those schools, as national schools, were confined to Scotland. He believed those establishments to be excellent institutions; but how far they might be successfully transplanted to other countries, must depend on the habits of the people, and a strict attention to the principles on which they were founded. He did not fear the giving education to the poorer classes of society, but let it be education connected with religion. The noble and learned Lord also said, that instead of barristers, as in the English Bill, the duties connected with the carrying into execution some of the details of this Bill, were to be discharged by those upon whose character and professional exertions he pronounced a just eulogium — he meant the Sheriffs. Might he be allowed, then, in endeavouring to rescue the Parliament of Scotland from the unjust censure which had been passed upon it, to remind their Lordships, that that Parliament overcame a difficulty which they had still to contend with—the establishment of a system of education, and the maintenance of the rights of the clergy with satisfaction to those who knew that that clergy was deserving of support? The Scottish Parliament also established that, the proposal of which had not yet found favour in this country, but which, in the course of time, might be introduced into it—an institution from which the greatest benefits had been derived; he meant a general registry, which had given security to the conveyance of property, and all connected with it. There was another point on which he must touch relative to the conduct of the Representatives of Scotland. He was really exceedingly sorry to have heard the imputation which had been so often made in another place, and so frequently in public, but which he thought every candid person would admit to be unfounded—an imputation upon the Representatives of Scotland of an indiscriminate support of every Ministry. It had been said, that they were in Parliament a perfect nonentity. To the charge of having been the supporters of the Ministers they must submit, but so must also the majority of the country, because, without the support of that majority no Ministry could stand; but that support without reference to the character of the Minister, or of his measures, had been servilely given to those in office and power, was an insinuation to which he never yet had given credit, nor ever would. To his knowledge, such conduct would be utterly inconsistent with the character of those Gentlemen—it would be totally at variance with the observations which he had made, and the opinions he had formed of their feelings and sentiments. He might advert to a change which had already taken place in the qualification of one part of Scotland, in proof of the attention which had been paid to the improvement of the system. There was the county of Sutherland, in which the qualification underwent an alteration: it was diminished from 400*l.* to 200*l.* by an Act of George 2nd, in consequence of the greater part of the property in that county being held by one individual, it was impossible to find freeholders who held directly from the King *in capite;* the right of voting was, therefore, allowed to be exercised by them when holding from their superior. He would gladly see the continuance in Scotland of the system under which she had prospered, although it might be susceptible of improvement. Allow him humbly to advise their Lordships to consider well before they altered that system. This was an opportunity by which, if they had been too hasty in legislating on another matter, they might, in some degree, retrace their steps, and partially prevent the evils which would otherwise arise from it. They had created, under the English Bill, a much too popular constituency; they might now, by continuing the present system in Scotland, repair that evil. He would not deny that some improvements might be safely and beneficially introduced into the present system; but they were, by such a measure as the present, going too far, in causing the destruction of the existing institutions of Scotland. He must repeat his apprehension, that they had created a constituency of persons possessing, he admitted, some property, and some intelligence, but who, from their numbers and character, would be disposed to rash measures, and who had, indeed, already begun to exact specific pledges from their future Representatives. He must venture to think that, in establishing these popular electors, they were placing power in the hands of men who, like the mercury in the thermometer, which was perpetually affected by the ever-varying temperature of the atmosphere, would be constantly influenced by every breath of popular clamour. Under such a system, the changeful character of the Government would present a melancholy contrast with the stability which it had enjoyed under the old form; it would, with such a fluctuating opinion, be impossible for any Minister to remain in office for eighteen months. To that too popular system the close Representation, as it was called, would have afforded a counterpoise. Let him, then, advise their Lordships not to neglect the opportunity which was now afforded of, in some degree retrieving their error, and to consider this Bill as the means of so doing.

The Earl of *Camperdown* could but eulogise the temperate and elegant speech of the noble Earl, but he regretted to be compelled to express his dissent from the doctrines advanced by the noble Earl. He (the Earl of Camperdown) availed himself of that opportunity to express his perfect approbation of the measure proposed, which he considered would be productive of very great benefit to Scotland. He was surprised at the proposal of the noble Earl, that the present system should be kept up contrary to the wishes of the Scottish people, as a counterpoise to the Reform measure in England. After that measure had passed, he was astonished that any noble Lord could get up, and contend that the same principle should not be applied to Scotland. On the question of Reform, indeed, he had taken a different view from that of the noble Lord, who was, or rather had been, opposed to all Reform in Scotland, but who now admitted that some amendment might be made in the Representation of Scotland. He believed that the boon was about to be granted in time to prevent bad consequences, for he agreed with the noble and learned Lord (the Lord Chancellor) that however much England stood in need of Reform, Scotland required it much more. It was perfectly true that the elections in Scotland were quietly conducted, so much so that the people did not know when elections were going on, and he thought that there was no stronger reason than this for their Lordships to interfere. As a Scotchman, merely, he would add that, he should have been glad had additional Representatives been given to Scotland, though he had not seen one Petition on the subject of Reform containing any such prayer.

The Earl of *Haddington* begged to move an instruction to the Committee. He had taken the liberty the other night of stating, among other reasons for inducing him to think that the people of Scotland was not fairly dealt with in this Bill, that in respect to their Universities no Representation was given, while on the other hand it was proposed to give a second Member to the University of Dublin. It was then said, that it would be all very well to give the University of Scotland a Representation if there existed any constituency, but that there was none. Now, he thought, that without detaining their Lordships more than two minutes, he could prove there was a constituency. By the Returns which he had moved for before the Bill was passed in the House of Commons, it appeared, that the number of degrees taken in the Universities of Edinburgh, Glasgow, St. Andrew's, &c., amounted to 6,879, from 1800 to 1830. It appeared that the Universities of Edinburgh did not grant many degrees in Arts, for during the last thirty years it had granted only 199, while the number of Graduates in Medicine during the same period, was no less than 2,524, making a most formidable body. But at the same time he must state that the majority of those degrees were conferred on persons not being natives or inhabitants of Scotland, a great number of degrees being conferred on natives of the United States of America. In Glasgow University it appeared, there had been degrees conferred on 712 Masters of Arts, 410 Doctors of Medicine, besides 87 Doctors of Divinity. In St. Andrew's the number of degrees of Doctor of Physic was more considerable than that of Master of Arts, there having been 649 Doctors of Medicine, and 59 Masters of Arts. In Marischall College Aberdeen, there had been 1,018 degrees of Masters of Arts, and only 282 of Doctors in Medicine. In King's College, Aberdeen, 740 degrees of Masters of Arts, and 286 Doctors of Medicine. Thus it appeared, that the total numbers of degrees of Masters of Arts, conferred by the Scotch Universities, chiefly from those of Glasgow and Aberdeen, amounted to 2,728. It was not possible to say, how many out of all the persons who had taken degrees were still alive; but this calculation went to the year 1830, and he should therefore conclude, that of the 2,728 Masters of Arts 1,500 were resident in Scotland; that of the degrees of Doctors of Medicine taken up in the last thirty years one-half of the parties might be reckoned as resident in Scotland. Of those who had taken up the degree of Doctor in Medicine in Edinburgh the noble Earl thought 1,500 might be reckoned; and of those of Glasgow (410) 210 might be said to be in Scotland. The noble Earl concluded by moving an instruction to the Committee to provide for the Representation of the Universities of Scotland, by giving one Member to Represent the University of Edinburgh, King's College, Aberdeen, and Marischall College, Aberdeen, and one Member to Represent the Universities of Glasgow and St. Andrew's; the right of voting to be in the office-bearers and graduates resident in Scotland.

The *Lord Chancellor* regretted, that the noble Earl had not brought forward sufficient materials to establish the right of the Scotch Universities to send Representatives to Parliament. If their Lordships thought that a constituency could be formed for the Scotch Universities, to consist of Masters of Arts, as in the English Universities, or any thing parallel to it, they grossly deceived themselves. In England the Universities conferred degrees after a considerable period of residence, after much labour performed, and if they were not in all respects so rigorous as the statutes of the Universities required, nevertheless it could not be said, that Masters of Arts were created at Oxford and Cambridge as they were in Scotland, without any residence, or without some kind of examination. In Scotland all the statutes of the Universities which enforced conditions on the grant of degrees were a dead letter. And it could not be doubted that if the amendment were adopted the Universities would be prodigal of their grants, if it were only for the purpose of trying to swamp each other at the election of their common Representative. They must, then, before they could entertain the noble Lord's proposition, consider of a new interior Constitution for the Universities of Scotland. He was not one of those who were violently enamoured of the University Representation of England and Ireland. If it were to do over again he should hesitate to give the right of Representation to any Universities whatever. It was better that the stillness and quietness of literary pursuits should not be interrupted by political struggles. He did not think, that upon the whole a balance of advantage was introduced by the University Representation. It had a tendency to make men politicians prematurely, and to convert those into political partizans, who, after spending the earlier part of their lives in academic retirement, and in superintending the education of their younger countrymen, passed at length into the sacred office of the Ministry, and thus it produced a confusion of character which was neither graceful nor beneficial. He was not prepared to propose an amendment to the Bill, but he sincerely regretted, that instead of giving Members to the Universities, it did not withdraw the franchise from the Scotch clergy. They had their Church Courts, in which all questions relating to the ecclesiastical affairs of the country were discussed and decided, and he lamented that they were not, he would not say disfranchised by the Bill, but freed and liberated from the burthensome and unseemly charge of political duty. His only reason for not pressing an amendment to effect this was the apprehension, that after such an amendment had been proposed and negatived in the other House of Parliament, it might appear invidious in him to do so, and might also, perhaps, in some instances, have the effect of making clergymen more active and zealous politicians than the measure as it stood. He understood, indeed, from good authority, that such a proposition now would be considered as casting a stigma upon the Scottish clergy, and as establishing an invidious distinction between them and their brethren of the English Church. He hoped, that notwithstanding this measure the clergy of Scotland would adhere to their good old practice of keeping aloof from political contests, and if they exercised the franchise which was now given them, he hoped they would do so with the moderation and conscientiousness befitting their sacred character and, that they would beware of degenerating into tools of political parties. From what he had heard, he hoped that such would continue to be the case; while for the reasons already stated, he felt it his duty to oppose the amendment of his noble friend.

The Earl of *Haddington* concurred in the observations of his noble friend, as to the Scotch clergy, though he did not see how they applied to the Motion before their Lordships. He would not press his Motion to a division.

Amendment negatived.

The House resolved itself into Committee.

On the reading of the first clause,

The Earl of *Haddington* rose for the purpose of moving, that the figures "61" be substituted for the figures "53." The ground upon which he moved that amendment was, that Scotland, by the Bill as it then stood, would not receive an adequate share of Representation as compared with England and Wales. Ministers in their measures of Reform, professed to proceed upon the principles of population and wealth. Considered in that light, Scotland, her population and wealth compared with that of England and Wales, would be entitled to sixty-three instead of fifty-three Members. Eight of the most considerable counties in Scotland were to receive but one Member each, or eight in the whole, while eight counties in England of similar wealth and population were, under the English Bill, to receive eighteen Members between them. This taken upon the principles upon which the Government now professed to proceed, was neither just nor fair to Scotland. But even if the main principle as that adopted at the time of the Union of the two countries were now acted upon, Scotland would clearly be entitled to a larger share of Representation. If the Representation of the three kingdoms were dealt out in strict proportion to the population, and to the amount of taxation contributed by each, England and Wales would then be entitled to 489 Members, Scotland to 64, and Ireland to 103. Or again, which was still more curious, if the Representation of each of the three kingdoms were to be determined in proportion to the amount of the Excise Revenue collected from each, England and Wales would be entitled only to 362 Members, while Scotland would have a claim to 98, and Ireland to 197. Again if the Representation were to be determined by the relative amount of population and revenue paid respectively by each people, supposing the number of Representatives for England and Wales to be 500, Scotland would have a claim for 65, and Ireland for 106; or taking together the relative population and amount of Excise duties paid, Scotland would be entitled to 87 Members, and Ireland to 175; supposing England to have 500. His (the Earl of Haddington's) Motion, however, was not founded upon these calculations, because, however just it might be to ask that the Representation of Scotland should be rendered strictly proportionate to that of England, being founded upon the same principle, he felt that it was now too late to urge a proposition of that kind. But at the same time he thought it no more than reasonable that the Representation of Scotland should be extended to the degree to which it was clearly entitled if considered upon the principle adopted at the time of the Union. Upon that principle, he contended justice had not been done to Scotland, for example the county of Aberdeen with a population of 177,651, and possessing property to the amount of 325,218*l.* per annum was to have only one Member, while Rutland with a population of 19,000 and a rental not exceeding 130,000*l.* would return two Members; conceiving this to be a gross injustice, he should, therefore, beg leave to move, that the figures "61" be substituted for the figures "53."

The *Lord Chancellor* was clearly of opinion, that the noble Earl's judgment had been led astray by one of those arithmetical illusions which not unfrequently dazzled the sight, and confounded the senses, of the most ingenious and learned of mankind. It was strange to reflect upon the wonders which by calculations of figures men had proposed to effect. By simple calculation it might appear perfectly easy to pay off the national debt in five minutes. It was in the practical application of those calculations, that the difficulty arose. The noble Earl, rejoicing in the figures, the good round numbers which he had collected together, and which, worked by the rule of three, seemed to produce such irrefutable proofs of the correctness and justice of his argument, forgot that counter statements of figures worked by the same rule, might be adduced which would completely annihilate all that he had advanced. The noble Earl stated, that eight counties in Scotland, containing a population of somewhere about

300,000 inhabitants, were to have but eight Members among them; and this presumed insufficiency of Representation he endeavoured to prove by comparing it with the Representation of eight similar counties in England. But what was the fact? There might be certain districts in England, which compared with certain other districts in Scotland, had certainly a greater degree of Representation. But again, there were other districts in England which had infinitely less. For instance, look at the West Riding of Yorkshire, only the division of a county, with a population of 980,000 souls, and only two Representatives. Again, if the arithmetical views of the noble Earl were acted upon, how would Scotland fare when compared with the two great English counties of Yorkshire and Lancashire? The counties of the Rival Roses originally returned but four Members; that was under the good old system, in which his noble friend had opposed all improvement. Scotland, at the same time, with less population than these two counties, returned its forty-five Members. There were various other anomalies which were not yet got rid of. Why the small county of Selkirk, with 6,000 inhabitants, had its Member, and what an ill-used portion of the people, by the rule laid down by his noble friend, must the people of the West Riding of Yorkshire consider themselves; in consequence of the division of Yorkshire the two counties mentioned had returned six Members; and now, under the Reform Bill, they were to return no more than ten. Yet the population of those two counties amounted to 2,500,000, equal to the whole population of Scotland. Continue the comparison, and as far as such numerical deductions as the noble Earl had drawn were concerned, it still turned in favour of England. Twenty-three counties in Scotland, containing together a population of 800,000 souls, would return at least twenty—he believed he was not mistaken in stating twenty-three Members—while the West Riding of Yorkshire, with its 980,000 inhabitants, would have but two. The same arguments held good as to the Revenue and taxes of different districts, in fact there would be no end of changes if they were to follow out the principles, as to population and wealth, laid down by his noble friend. The practical point was, could they have so many Members? It was admitted on all hands that Parliament was already too numerous; and what places were to suffer to make room for the additional Members proposed to be given to Scotland by his noble friend? As to population, Scotland was better off than Ireland for Representatives, and even as well off as that country, considering the amount of its wealth. In short if the noble Earl's rule-of-three calculations were admitted, it would not be difficult to prove, that England in many instances, should have tens and even hundreds of Representatives where Scotland had one. The practical question, however, was—could they re-open the whole system? Was Manchester or Birmingham to lose its Members, or were they prepared to have a new schedule A? The addition proposed by his noble friend would not be in proportion to the population of Scotland any more than the present number. Upon these grounds, believing that full justice was done to Scotland, and believing also that the same arguments might, on any occasion, be brought against the sixty-one Members as against the fifty-three he should decidedly oppose the Amendment.

The Earl of *Haddington* said, it was from the English Representatives, that he would subtract the Members he proposed to give to Scotland.

Amendment negatived, and the clause agreed to.

On reading the next clause,

The Earl of *Mansfield* objected to the separation of several parishes from the county of Perth, for the purpose of adding to the counties of Clackmannan and Kinross. This he observed, had given rise to great discontent in the county of Perth, and in his opinion, ought to be corrected.

Earl *Grey* replied, that so far from having heard of any discontent arising from the separation to which the noble Earl had alluded, petitions had been presented from that part of Scotland directly in favour of it.

Clause agreed to, as were the clauses to the 12th.

Upon the clause providing for the qualification of county voters superiorities,

The Earl of *Mansfield* observed, that those who were to lose by this Bill their rights as owners of superiorities were in his opinion, entitled to some compensation, and he also thought this could not come with greater propriety from any quarter than from those who were to receive the elective franchise under this Bill.

The *Lord Chancellor* said, this was a question of some delicacy; as it would be usurping the privilege of the Commons, were they to take out of their hands the apportionment of pecuniary compensation to such persons. If any thing were to be done in this case, it must be done by a separate Bill, which ought to originate in another House.

Clause agreed to.

The House resumed.—Bill to be further considered in Committee.

HOUSE OF COMMONS,

Monday, July 9, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Hume, the Amount of the Annuity Tax raised in Edinburgh during the last twelve years; and also, the Amount received for Seat Rents in each of the Established Churches in Edinburgh for the last twelve years.

Petitions presented. By Mr. Pigott, from Hockering, in favour of the Labourers in Agriculture Bill.—By Mr. Anderson Pelham, from the North Eastern Unitarian Association;—by Mr. John Browne, from two Places in Ireland; by Mr. Heywood, from Lancaster and Chester; by Mr. O'Connell, from the Deptford and Greenwich Political Union; and from St. Michael's and St. John's, Dublin,—in favour of the Ministerial Plan of Education (Ireland).—By the Earl of Mexborough, from Leeds, against that Plan.—By Mr. Heywood, from Hulme;—By Captain Berkeley, from Gloucester;—by Mr Hume, from St. Andrew's, Holborn, and other Parishes in the Metropolis; and by Mr. Alderman Wood, from St. Giles Without, Cripplegate,—against the Vagrants (Scotland and Ireland) Removal Bill.—By Mr. Granby Calcraft, from the Protestant Dissenters of Wareham, complaining of being excluded from the Universities of Oxford and Cambridge on account of their Religious Opinions.—By Mr. More O'Ferrall, from Dublin, for a New Valuation of Houses in that City.—By Mr. Sadler, from Lancaster, in favour of the Factories Regulation Bill.—By Sir Robert Ferguson, from Londonderry, for Abolishing the Punishment of Death in Cases of Forgery.—By Mr. More O'Ferrall, from five Places in Ireland;—by Mr. Hume, from seven Places in Ireland;—by Mr. O'Connell, from Waterford; and by Lord Killeen, from four Parishes in Ireland,—for the Abolition of Tithes.—By Mr. O'Connell, from the Deptford and Greenwich Political Union; and from the North Western Metropolitan Union,—for an equal and efficient Reform to Ireland.—By Mr. Hume, from the Company of Merchants, Edinburgh, against the Manner of collecting the Six per Cent Edinburgh Annuity; from the Bethnal Green Political Union, against the Taxes on Knowledge; from the North Western Metropolitan Union, for the Repeal of the Special Constables Act; from the National Political Union, against Flogging in the Army; and from several Individuals, complaining of Imprisonment for selling Unstamped Publications, and praying for Relief.—By Sir Francis Burdett, from Sir John Maxwell and others, for a speedy inquiry into the Standard of Value.

Parliamentary Reform—Bill for Ireland—Committee—Seventh Day.] On the Motion of Mr. Stanley the House resolved itself into Committee on the Reform of Parliament (Ireland) Bill.

Mr. *Dominick Browne* rose to move an addition to the county Representation of five Members, and, in order to make room for that addition, he proposed to disfranchise certain small boroughs. He was far from wishing to depreciate the merits of the Bill, and he was determined, in proposing his amendments, to adhere as close as possible to the principles of the Bill, as interpreted by his Majesty's Ministers, and further, he was not anxious to increase the whole number of Members of the House. He thought, however, that the adding five Members to the 105 for Ireland, and two to the number for Scotland, would give general satisfaction. He should propose an additional number of five for Ireland, and, he believed, that would give satisfaction in that country. In Ireland there were ten boroughs which had less than 300 10*l.* householders—those boroughs were, Portarlington, New Ross, Enniskillen, Athlone, Bandon, Mallow, Coleraine, Dungarvan, Carlow, and Ennis; while in the English Bill there were but three boroughs that had less than 300 10*l.* voters, and of those, one had 298 and another 299. He meant to propose that the five smallest of these boroughs should be disfranchised, namely, Portarlington (185 voters), Mallow (200 voters), New Ross, Enniskillen, and Bandon, in each of which there were no electors at the present time. Portarlington, really, had now but one voter, New Ross only 20 voters, Enniskillen several resident voters, but one person returned the Member; Bandon was a joint borough between two noblemen, and Mallow was a close borough.. His next proposition was, to give a third Member to the county of Mayo, which had a population of 367,000; the county of Donegal had a population of 298,000, and yet in those two counties there were no boroughs, and they only returned two Members each. The third case was that of the city of Dublin, containing a population of 250,000 inhabitants, and yet it returned but two Members. There were not less than 14,000 qualified 10*l.* householders in that city. It would give great satisfaction if one Member were added to Dublin. He understood that the hon. member for Downpatrick intended to propose the addition of two Members; but he would take on himself to say, that adding one would give great satisfaction to Ireland. The county of Cork contained 700,000 inhabitants, and returned only two county and four borough Members. He thought it better to divide that county into two ridings, each sending two Members. The other boroughs which he intended to disfranchise, were towns in agricultural districts, for the purpose of throwing them into the counties, giving to the persons living in their towns the right of voting for the counties, instead of having a distinct constituency for themselves. The hon. Member concluded by moving the introduction of clauses into the Bill, to disfranchise Portarlington, New

Ross, Mallow, Bandon, and Enniskillen, for the purpose of adding to the county Representation, and Athlone, Dungarvan, Coleraine, Ennis, and Carlow, for the purpose of increasing the Representation generally throughout Ireland.

Mr. *John Browne,* in support of the Motion, stated, that the county of Mayo had 370,000 inhabitants, and was fully entitled to additional Representatives.

Mr. *Stanley* could not assent to the, no doubt, disinterested Motion of the hon. member for Mayo. He was ready to admit, that were Ministers about to frame a new system of Representation in Ireland, there were towns at present enjoying the franchise right which it might be expedient to disfranchise, and towns that did not return Members which it might be expedient to enfranchise; but, as that was not their object, and as the present Bill was framed on the principle that there should be no disfranchisement, he saw no reason for adopting the hon. Member's proposition. The hon. Member had made out no case, in the first instance, against the boroughs he would disfranchise; and in the next, his statement with respect to the places to which he would transfer the franchise was very exceptionable. Take, for example, his own county, to which he would—no doubt disinterestedly—add an additional Member or two. It was very true, that Mayo contained a numerous population; but it was equally true that it contained a very limited constituency, as compared with its population. This fact was placed beyond the reach of cavil by the allocation returns of the fund subscribed in July last year, for the relief of the famishing poor in that county. That return showed that, out of 360,000 inhabitants in Mayo, not less than 224,520 sought relief from that fund. He need not say a word more as to the constituency of that county. Then, admitting that Dublin contained upwards of 200,000 inhabitants, it did not follow that it should receive an additional Representative; for that city was situated in a very small county, which returned two Members of its own. Moreover, Lambeth, the Tower Hamlets, Manchester, Glasgow, and other large places, containing a population very nearly equal to that of Dublin, while in the scale of commercial importance they were far higher, would not return more than two Members, and if the claims of Dublin were allowed, they would have an equal claim to a third Representative.

Mr. *O'Connell* said, he could concur in one part of the proposition, namely, to give an additional Member to populous counties and towns; but, he objected to disfranchise any. His wish was, to have more Members for Ireland; but the temper of the House was such, that he thought he should be excused for not making a motion to that effect.

Amendment negatived, as was an amendment also moved by Mr. Dominick Browne to give four Members to the county of Cork.

Mr. *Dominick Browne* next moved, that three knights for the future be returned for the counties of Mayo, Donegal, Roscommon, Londonderry, Tyrone, Tipperary, and Clare, and three burgesses for the city of Dublin.

Amendment negatived.

Mr. *Callaghan* moved, that in all counties of cities, when persons were joint occupants of the same premises, each should have a vote, provided, on the amount of the whole property being divided amongst them, each occupant should hold property of the yearly value of 10*l.* That was the law now in England, and it was only just to extend it to Ireland.

Mr. *O'Connell* concurred in the proposition; but thought it might be improved by an additional clause, to enable persons who sublet part of their farms to have a vote for that part, whenever they derived from it a clear profit of 10*l.* annually.

Mr. *Stanley* said, there was a great difference between England and Ireland on that point. In England there were assessed taxes and rates, and the payment of these formed grounds for ascertaining whether the occupant was a *bona fide* householder. That criterion, however, could not be applied to Ireland, there being no assessed taxes or rates in that country.

Mr. *Sheil* thought the clause ought to extend to counties also.

Mr. *Crampton* said, the division of leaseholds had given rise to great fraud, and the proposition of the hon. Member ought not to be acceded to but on mature deliberation.

Lord *Althorp* said, the Amendment was a matter which required consideration, and if, on inquiry, it should be found proper to accede to it, he thought it would be only just that the clause should extend not only to counties of cities, but to all towns.

Mr. *Croker* admitted that England and Scotland differed from Ireland with regard to assessed taxes and rates; but it ought to be borne in mind, that in Ireland there were cess-rates fixed by the Grand Juries. These, he thought, might form a criterion.

Lord *Althorp* doubted if the cess rates could form any just criterion, because no man was bound by law to be assessed to the county cess in Ireland. There was no analogy, indeed, between the two cases.

Clause withdrawn.

On clause 54, which had been postponed, being put,

Mr. *Jephson* rose and said, in the Motion which he now felt it his duty to submit, he was aware that the ground was cleared of much of the difficulty which, under other circumstances, he might have had to contend against. The question which the House was called upon to decide was simply this —whether the elective franchise in Trinity College should be confined to a few young men, or whether the constituency should embrace a large class of persons, many of whom had obtained high distinctions, and who, certainly, from their station in society, were justly entitled to the privileges which he claimed on their behalf. He meant to propose that the right of voting should be transferred from the Scholars to the Masters of Arts of the Dublin University, and also, that all persons who had taken the degree of Bachelor of Arts should be allowed to replace their names upon the books of that University. He did not know how the Government felt disposed upon this question, but he was quite sure, that after having given them his support upon a recent occasion, in overturning the monopoly of the corporation of Dublin, they would not now turn round upon him, and by opposing his proposition, uphold an equally corrupt monopoly in the corporation of Trinity College. The question, as he had before stated, simply was, in whose hands ought the franchise to be intrusted? He decidedly objected to confining it to the scholars, and upon two grounds—first, because Roman Catholics were excluded by the charter from being scholars, and consequently men (many of whom he saw around him) of the highest attainments, and who had obtained honours and distinctions, were deprived of the power of voting for the Representative for the Dublin University. This kind of constituency was, therefore, objectionable, because it was sectarian. There was another ground which he also deemed of great importance, and to which he begged the particular attention of the House. Fellow Commoners could not be elected Scholars. Thus, young men of the highest respectability, and equal in talent and acquirements to the Scholars, were, by the charter of the University, excluded from that body. He had said equal talents and acquirements, because it required equal capabilities to obtain the honours of the University. A Scholar must, from necessity, be a young man without property, because the Fellows are bound by a solemn oath to elect persons of the poorer classes; therefore, the emoluments of the College must be an object to him. Besides, the Scholars were mostly intended for the Church or for the Bar, and if the right of voting was left exclusively in their hands, they would elect either a stickler for ecclesiastical abuses, or a lawyer; and, though he had the greatest respect for the latter class of persons, he must say, that he thought there was enough of them in the House already, and he did not believe them to possess, in any eminent degree, those qualities which were so essential in a Member of Parliament—industry and common sense. The great objection which he understood existed among some hon. Members to his proposition was, that an immense number of clergymen would be added to the constituency, and that the clerical interest would, in consequence, be likely to preponderate. If, however, hon. Members who entertained this opinion, would refer to the returns which had been made to that House, they would find at once the answer to that objection, By these returns it appeared, that the average number of students who took out their degrees annually did not exceed 300, and of these 120 were intended for the church, so that the clerical interest did not even amount to one-half. Besides, there were great numbers who did not go to the expense of taking out their degree. In the church this was not so much the case, because it was necessary that a clergyman should have the degree of Master, to entitle him to hold two livings; but, notwithstanding this, they found by the returns, that the amount of clerical degrees was less by thirty. In Dublin, residence in the college was not necessary to obtain a degree; it could be taken out merely at the expense of the college fees and the coach hire from the part of the country where the student resided. It was not, therefore, to be apprehended that there would be any danger of swamping the constituency of the Dublin University. He thought that the payment of an annual sum, say 1*l.*, might be made necessary for keeping the names on the books, and that this might be constituted into a fund for establishing some lay professorships. In addition to the other advantages which would result from his proposition, Dublin University would, by his Amendment, as regarded its constituency, be completely assimilated to those of Oxford and Cambridge.

Mr. *Croker* had always advocated the assimilation of the Dublin University with those of Oxford and Cambridge, as far as that assimilation could consistently be carried into effect. He did not rise, therefore, for the purpose of opposing the whole of the hon. Gentleman's proposition. There was part of it he highly approved of; but there was a difference in the constitution of the Dublin University from that of Oxford and Cambridge, which rendered it impossible that this assimilation could take place without violating the provisions of its charter. By that charter the constituency of Trinity College was vested in seventy Scholars and twenty-five Fellows, while in Oxford and Cambridge it was vested in the Masters; so that, to take away their right of voting from the Scholars was to violate their chartered rights, and introduce a non-resident constituency, which had no direct interest in the management of the affairs of the college. In Oxford and Cambridge there was a sufficient number of electors resident, which formed a kind of staff, round which the non-residents could rally; but, by the proposition of the hon. Gentleman, the resident electors of Trinity College would only amount to twenty-five, while the non-residents would be thousands. In fact, by this plan the University would be converted into a mere polling place, and the persons who took an interest in the management of its affairs would be like a drop of water to the ocean, when compared with the influx of non-residents who would be let in to swallow them up, according to the proposition now before the House. Let them assimilate as much as they could without violating charters or destroying vested rights. He had no objection to that portion of the hon. Gentleman's proposition which conferred the elective franchise upon the Masters; he thought that was exceedingly proper. But he protested against taking away the right of voting from the Scholars. They had but one college in the Dublin University, while in Oxford and Cambridge they had many. The Staff, consisting of twenty-five Fellows, added to which seventy Scholars, would be a far more effective body than a numerous class scattered over a large space of country. To this plan, however, there might be some degree of exception made—the Ex-scholars would be found valuable auxiliaries, interchanging good offices between the Fellows and the Scholars, and they would be more inclined than any other body or order to side with the resident electors. Every Ex-scholar was entitled to be a Master of Arts; he did not always take out his degree, because he had no object to gain by it; but he was, nevertheless, entitled to do so, and, therefore, in point of fact, when they gave the elective franchise to Ex-scholars, they gave it to Masters of Arts. The Scholars were men of great learning; they had to undergo a most severe examination, and they must be persons of great classical attainments; they must be also skilled in other important branches of science and literature. Therefore, by admitting the Ex-scholars, they could make an admirable constituency. But if the proposition, as it stood at present, were acceded to, it would be much better that the University should be without a Representative at all, for it would, as he said before, be reduced to a mere polling place. He thought it would answer every useful purpose, if words were added to the clause in the Bill, which would extend the franchise to all persons who obtained the degree of Master of Arts, or any higher degree.

Mr. *Jephson* would withdraw his Amendment, and move the insertion of the words suggested by the right hon. Member.

Mr. *Leader* said, he would undoubtedly vote for enlarging the constituency of Dublin University to the greatest possible extent, and take his chance for the use which might be made of it. He did not despair that liberality would, some time or other, find its admirers and friends in the University. He knew that several individuals, and men much attached to the importance of the purity of election, and the propriety of the right of franchise being bestowed on the most qualified individuals, thought that the Motion of his friend, the member for Mallow, ought to be more restricted; and that the University ought not to be swamped by men who never distinguished themselves in their collegiate course, and never resided within the walls of the University. He feared it would be difficult to decide, if they began to draw distinctions, where enfranchisement was to begin and exclusion to end. He rested his support of the proposition of the hon. Gentleman on two distinct grounds; the first ground, that as great efforts had been used to narrow the constituency under the Irish Reform Bill, he would leave no possible effort untried to enlarge it in every instance. It was on this principle that he supported the leasehold qualification; it was on this principle he would oppose the narrowing old boundaries in boroughs, and would also oppose in towns the raising the qualification beyond *5l.* His course was a clear one; it was to enlarge the constituency, to abandon corporate monopoly, and the old borough exclusion; to make as many as possible feel an interest in their country, and begin to perceive that private interest was inseparable from the public good. The next ground was, the desire of assimilating the right of franchise and qualification, in the Dublin University, to that of Oxford and Cambridge. He saw no just reason for invidious distinctions. He understood that the different members of the University had expressed opinions on the subject of the proposed franchise and qualification. He knew nothing of them, but he considered that he took a sound view, and acted on a safe principle, by voting for the extension and enlargement of the constituency, and for assimilating the University of Dublin to the Universities of Great Britain.

Mr. *Crampton* thought the arrangement proposed by his Majesty's Government was, under the circumstances, the best that could be adopted. By the return, it appeared that the average number of new Scholars admitted annually amounted to fourteen. This in itself would, in a great measure, prevent corruption in the constituency. If the Representation of the University be literary, surely those who were to be intrusted with the franchise should have some literary talents. The Scholars undergo a most rigid —a most difficult examination. They are examined by eight Fellows upon their oaths, and they must be resident for five years within the walls of the college. He had received a petition on this subject, signed by 170 most respectable persons, who had been Scholars; and he would compare them to the new constituency with which his right hon. friend proposed to swamp the Scholars. The proposed constituency, taking the number annually admitted to Master's degree to be 250, and calculating according to the average length of human life, would amount to 6,000 [*" no, no," from Mr. Croker*]. He maintained that it would amount to 6,000, according to his estimate. Now, with respect to the qualification of a Master, any person could acquire the degree of Master of Arts of Trinity College, upon payment of the sum of 10*l.*, and attending three examinations in the course of the year. As to the degree of Bachelor of Arts, he never knew a dunce who could not arrive at it.

Mr. *Croker*, across the Table; I know many.

Mr. *Crampton:* His hon. friend knew many. He was glad they were not acquaintances of his, and he was sure that, whoever these dunces were, their acquaintance was no acquisition to his right hon. friend. The use in taking out Master's degree, by those intended for the Church, was, to entitle clergymen to hold two benefices; and every person who had taken out Bachelor's degree, could obtain a Master's on paying 10*l.* The Masters of Arts never could be so eligible a constituency as the present, because they were widely scattered over the country; and he fully agreed with his right hon. friend, that if the franchise were extended to this class of persons, Trinity College would be converted into a complete polling-place, and it would be most injurious to the discipline of the college. There was, certainly, one objection to the present constituency—its sectarian character. He deprecated this, but he thought the evils which might arise from the change would more than counterbalance this inconvenience. There was no reason why the charter of the college should be repealed; and, if this proposition were acceded to, it would be tantamount to a repeal. There was another objection to this proposition, to which he called the attention of his right hon. friend. The Board of the Dublin University had the power of granting degrees to any one they thought proper. He was sure that the high-minded and respectable individuals who constitute the present Board, would not make an improper use of this power. But look at the danger there would be in adopting this principle. He had received a letter from Dr. Sadlier, who entertained precisely the same opinions which he had expressed. He must, therefore, oppose the proposition, not as a member of the Government, but in his individual capacity, as a Member of that House.

Mr. *Croker* could assure the hon. and learned Member, that he was entirely mistaken with respect to the examinations at the Dublin University. For the rank of Bachelor of Arts, he could assure the House, that not only were the examinations in Dublin very severe, but equally severe with those which took place at the Universities of Cambridge and Oxford, unless, indeed, the latter University had recently become more strict. It was true that in the University of Dublin, not many persons were rejected at their examinations for the Bachelor's degree; but what was the reason of this? The cause was obvious and well known. A deficient person, during his early examinations got what was termed plucked, and knowing the certainty, or, at least, the great chance, of his experiencing the disgrace of a rejection at the final examination, he did not venture to incur defeat by presenting himself at the ordeal. By confining the franchise of Dublin University to the Scholars and Ex-scholars, Ministers would exclude from the franchise all Roman Catholics, all Dissenters of every denomination, and the great body of the gentry of Ireland, for the scholars were all selected from the poorer class of persons, and, so much was this the case, that the possession of any independent property or income whatever was an effectual bar to the selection. He believed that there were only two instances of any Members in that House having been selected as Scholars on that foundation. He believed that, if the improvement which was suggested in the Amendment were not adopted by his Majesty's Ministers, the University of Dublin would much rather that the constituency or franchise should remain without any alteration whatever. There was no reason whatever, that he could conceive why the Masters of Arts should not vote at the elections for the University of Dublin, tha did not equally apply to the two English Universities of Oxford and Cambridge.

Mr. *Lefroy* had been charged with three Petitions from the constituency of the University of Dublin, and he had deferred acquainting the House with their contents until the present opportunity should present itself. The petitions all concurred in one object. The first of the petitions was from the senior and junior Fellows and Scholars of the University. The second was signed by 700 Graduates, and they likewise concurred in the wish to assimilate the Irish University to the Universities of Oxford and Cambridge, with respect to conferring the elective franchise on the Masters. Another Petition he held in his hand was signed by seventy Scholars, who prayed for the franchise being continued to them, and that it might be preserved to all Scholars after they might cease to enjoy the benefits of the scholarships. He had stood two severely-contested elections at the University of Dublin, and he had succeeded on both occasions, although he had each time been opposed strongly by his Majesty's Government for the time being, It could not, therefore, be otherwise than that he should feel deeply impressed by the kindness he had received from the constituency of the University, and he could never take any part in any measure which could lead to any disappointment of the views entertained by a single branch of that constituency. It had often been contended that the Masters already possessed the right of voting, and he had heard gentlemen on the hustings pledge themselves to try that right if the University should elect them as their Representatives in Parliament. By such professions they had succeeded in very hard contests, and when the majorities were but very small, and yet they had never thought fit to ascertain the right.

Mr. *Spring Rice* thought that the Amendment involved much more than the right of voting, for it would decide a question, whether it was expedient, in the Reform Bill of 1832, to preserve a constituency exclusive in its nature. He was solicitous to support the proposition to the extent of preserving the connexion between those who had been educated at the University, and the University itself, but that the proposed Amendment would do great injury to the University appeared to him to be evident, and he should oppose it.

Mr. *Maurice O'Connell* said, that when the present Amendment was disposed of, he should propose one with a view to give the franchise to those Masters who had obtained honours.

Lord *Althorp* said, the general feeling of the House appeared to be in favour of extending the franchise to the Masters, and he thought it would be better, therefore, to assimilate the right of voting at the Dublin University to the rights exercised in the English Colleges. He should, therefore, assent to the extension of the franchise to the Masters of Arts, but he did not think it advisable to include the honorary degrees.

Sir *Robert Bateson* thought it would be advantageous to the University to include the Masters of Arts in the Representation.

Colonel *O'Grady* was disposed to vote for an extension of the franchise, as being the surest way to prevent undue political influence.

Mr. *Henry Grattan* approved of the Amendment, as tending to take away the exclusive character of the franchise.

Mr. *O'Connell* must again protest against the principle of adding only five Members to the Representation of Ireland, and giving one of them to the University of Dublin. This was nothing less than a direct insult to the people of Ireland. He was in favour of the Amendment, and deprecated the expense of contested elections for the University. He had heard that no less a sum than 500*l.* was offered for a vote at the last election.

Mr. *Crampton* said, it was true that the bribe had been offered, but then the hon. and learned Member forgot to state that it was indignantly rejected.

Mr. *Lefroy* denied and disclaimed any bribe having been offered on his part.

Mr. *O'Connell:* I don't believe that the hon. and learned Gentleman offered any thing.

Amendment agreed to.

Mr. *Stanley* proposed that no persons having only honorary degrees should be entitled to vote.

Agreed to, and Clause ordered to stand part of the Bill.

The 55th Clause was agreed to.

The various schedules of the Bill, and the Preamble, were agreed to, with several verbal amendments.

On the question that the Bill be reported to the House,

Mr. *O'Connell* said, that in the English Bill there was a penalty of 500*l.* fixed for the infringement of the provisions of the Act. There was no such penalty in the Irish Bill, and he should, therefore, move a clause to the effect of that in the English Bill.

Mr. *Crampton* said, there was such a Clause, but the penalty was only 100*l.*

Mr. *O'Connell* said, that what he objected to was, that the penalty in the Irish Bill was given to the Crown informer, and the Constables of the borough, and Barristers were not made liable to the penalties.

The House resumed, and the Report was received.

PUNISHMENT OF DEATH.] Mr. *Ewart* reported that at a conference with the Lords the Lord President who was the manager for their Lordships, had acquainted the Commons that the Lords having taken into consideration the reasons stated by the Commons, for not agreeing to the Lords amendments, their Lordships insisted on two of those Amendments.

Amendments insisted upon by the Lords read.

Lord *Althorp* said, as the Bill was of importance and the amendments insisted on were not of an objectionable nature, he should move that they be agreed to.

Amendments agreed to, and Bill ordered to be sent back.

DIVISION OF COUNTIES AND BOUNDARIES BILL.] Lord *John Russell* said, as it was desirable that the Boundaries Bill should pass without delay, so that the registration might commence, he was anxious that the House should consider the Lords' Amendments to the Bill. He had attentively looked at them, and there were only a few of any importance. The first alteration changed the nomination place of the western division of the county of Gloucester from Thornbury to Dursley. The House would recollect that it was determined, on the committal of this Bill, that Thornbury should be inserted in the place of Wotton-under-Edge, which latter formerly stood in the Bill. In consequence of what then took place, further inquiry was made, and Dursley was found to be more convenient than either of the other towns: it was, therefore, substituted by the other House for Thornbury. The next alteration regarded the borough of Wareham. The House of Lords had included Corfe Castle within the limits of Wareham; though that House had refused to do so on a former occasion. Again, there were two or three alterations as to the places at which the poll should be held; but they were not of any material consequence. The only question for consideration was, whether these amendments were of sufficient importance to induce the House to refuse its assent to them. His own opinion was, that the House might consistently agree to them. He moved that they be read.

Amendments read accordingly.

Sir *Robert Peel* said, that the general rule was, when the other House made any alteration in a Bill, which could be considered material, that these alterations should be printed. Without doubting the accuracy of the statement of the noble Lord, he saw no reason why the rule should be departed from in the present instance. It should be recollected that the House determined, by a large majority that Thornbury should be the nomination place for the western division of Gloucestershire. He was not aware on what grounds that place had been struck out, and some reason should be assigned, or, at any rate, a little time should be afforded for consideration. At the same time, he was prepared to admit that in a case of necessity, the rule might be departed from. If this was a case of that nature, perhaps the noble Lord would state so. He had no wish to throw any impediment in the way of the Government; but it was desirable not to depart from general rules without some reason being assigned.

Lord *Althorp* concurred in the observations of the right hon. Gentleman. It was, however, of the utmost consequence that no delay should take place in the commencement of the registration; and therefore, it was necessary that the Bill should pass at once. It would be recollected, that a clause in the Reform Bill authorised his Majesty to alter the period for the registration. It was intended to hold a Privy Council on the ensuing Wednesday, at which the dates contained in the English Reform Bill, relative to registration, and notices, would be fixed a month later. As the Bill stood, the notices must be given by the 20th of June, and the names to be placed in the register must be sent in by the 20th of July. Ministers proposed to make this a month later, and to have notices given on the 20th of July, and the list made on or before the last day of August. The consequence would be, that the registration could not be completed before the 1st of December.

Sir *Robert Peel* asked, whether Ministers could state when it was probable that Parliament would be dissolved?

Lord *John Russell* said, that the registration would not be completed until the 1st of December, and if a dissolution took place before that period the registration would be null and void. He would leave the right hon. Baronet to draw his own inferences from that statement.

Amendments read a second time, and on the Motion of Lord John Russell, they were agreed to.

PARTY PROCESSIONS (IRELAND).] Mr. Stanley having moved that the Debate on the Tithes (Ireland) Bill, which stood adjourned to this day, should be postponed,

Mr. *Hume* called the attention of the right hon. Secretary for Ireland to the fact, that an Orange Lodge had assembled on the 1st instant, in Fermanagh, to arrange measures for celebrating the 12th of July. It was stated, that the Lord-lieutenant of the county presided at this meeting, and that several Magistrates were present. He wished to know whether Government intended to strike the names of those persons out of the Commission of the Peace?

Mr. *Stanley* said, that Government had certainly received information that the Orangemen were preparing to celebrate the 12th of July by processions. Government had made every arrangement for preserving the public peace, and would mark with proofs of their disapprobation any persons under their control who should encourage or attend the processions.

Mr. *Lefroy* was desirous of learning from the right hon. Gentleman, what measures his Majesty's Government proposed to take to put down the combination which had been acted upon for the persecution of all the noblemen and gentlemen in Ireland who dared to obey the laws, and to pay their legal tithes and taxes? The conspirators had lately held a general meeting at Rathcoole, upon the verge of the county of Kildare, in consequence of which the well-disposed part of the labouring population had been so much intimidated, that no person who paid tithes could procure labourers to cut his hay or corn; and in some instances the mail had been unable to proceed, as the contractors could not induce their servants to supply fodder or water to the horses, or to assist the coachman and guards in changing horses. All business appeared to be suspended throughout the country. It was represented that this tyranny was exercised against individuals who had refused to subscribe a written pledge not to pay tithe. He begged leave to ask whether Government had received any information upon this subject?

Mr. *Stanley* said, that in all cases in which any tangible breach of the laws had been committed, the law had been enforced against the offenders. The Government had resisted the combination, and had endeavoured to put it down by all the means, which, under the existing laws, they possessed. He must express his regret to observe the tone and the manner in which the question had been proposed. The hon. and learned Gentleman, by connecting his question, as it were, with that proposed by the hon. member for Middlesex, tended to excite animosities and dissension. Government had undoubtedly received information, that an extensive combination existed in Ireland to prevent, by intimidation, the payment of tithes. He would add, that in every case in which there appeared to be a possibility of obtaining a conviction, legal steps had been taken, and several persons who had rendered themselves prominent at public meetings were already under prosecution.

Lord *Cole* said, it was true that the grand Orange Lodge had met in Fermanagh on the 1st instant, and he hoped that the Orangemen would continue to meet. On that occasion, however, they dined, but did not walk in procession. He thought that the hon. member for Middlesex ought to be the last man to object to persons dining together, or walking in procession, as those things were done by the Political Unions.

Mr. *Lefroy* must express his astonishment that the right hon. Secretary for Ireland should have attributed unworthy motives to him, merely because, in the discharge of his duty, he had proposed a question upon a subject which deeply concerned the peace and welfare of Ireland. He hoped that in future the right hon. Gentleman would exhibit a greater degree of temper and patience, and that, when Members of that House were honestly discharging their duty, he would abstain from that kind of acrimonious accusation in which he was in the habit of indulging. He would only add, the conduct of the right hon. Secretary to him, upon the present occasion, was not exactly that which should be observed towards a Member of that House.

Mr. *Stanley* assured the hon. and learned Gentleman, that he had not imputed improper motives to him. He had only expressed his regret that unseasonable discussions were raised, which had a tendency to exasperate party feeling.

Sir *Charles Forbes* said, that as there seemed to be a general disposition to ask and to answer questions that morning, he would take the opportunity of inquiring, whether there was any truth in a report which he had heard, to the effect that his Majesty's Ministers had consented to postpone the Irish Tithe Bill, upon the condition that the Irish Members who were hostile to the Church should support the Government on the question of the Russian-Dutch Loan?

Colonel *Perceval* said, that although no member of his Majesty's Government thought proper to reply to the last question, he should venture to put another. He would ask, whether his Majesty's Ministers felt themselves justified in yielding to intimidation, or in entering into a compromise with the disaffected upon the question of the Irish tithes, at a time when many of the clergy had been reduced almost to starvation by a successful combination against the laws? When would the Government again bring forward the tithe question?

Mr. *Stanley* said, that if he had brought it on, he should not have been allowed to proceed with it at that late hour. From the state of business, he feared he could not bring it on before Friday.

Lord *Ingestre* asked why the Bill could not be proceeded with on Wednesday?

Lord *Althorp* said, that there appeared to be no chance of bringing on the Bill before Friday.

Lord *Ingestre* hoped, that when Ireland was in a state of open rebellion, a measure of so much importance would not be postponed on account of a Lord Mayor's feast.

Debate postponed.

BOUNDARIES (IRELAND) BILL.] On the Motion of Mr. Stanley, the House resolved itself into a Committee on this Bill.

Several clauses read and agreed to, on the question of Newry.

Mr. *Leader* said, he had been strongly urged and requested to oppose the Newry boundary. The objection to the boundary was, that it was calculated to throw too great a rural population on the numerous inhabitants of that ancient potwalloping borough. Newry contained 13,000 inhabitants, and had 2,000 qualifying houses; the area of the limits of the borough excluded 2,500 acres, and electors were so manufactured in the rural districts as to overpower the independent inhabitants, in whom the real right of voting existed. He knew the Government were exposed to difficulty respecting these Irish boroughs. He knew that Mallow, Dungarvan, and Youghall complained of their liberties being too contracted; on the other hand, the complaint of Newry was, that the liberties were too large—that the inhabitants of the town were overpowered by commoners, persons residing on commons, and who had not a town qualification. He strongly advised that the Newry petition should be referred to a Committee up-stairs. There could be no possible injury from such a reference. It was a proper respect due to the constituency to entertain its petition. It was idle to reform in name, and all reform should be substantial and real. He hoped, however, that public spirit in Newry would vanquish and overcome every difficulty.

Mr. *Stanley* knew, that the object proposed was to cut off from the borough a district which was called the Commons of Newry. As that was, however, included according to the general rule he saw no reason for referring the question to a Committee.

Mr. *Hume* had been intrusted with a petition on the subject, and hoped the question would be referred to a Committee.

Clause agreed to.—The remainder of the Bill read and agreed to. The House resumed.

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HOUSE OF LORDS.

Tuesday, July 10, 1832.

Minutes.] Petitions presented. By the Earl of Carnarvon, from Sir Harcourt Lees, for Protection to Church and State.—By Lord King, from Hamilton, for an alteration in the Reform of Parliament (Scotland) Bill; and from five Places in Ireland for the Abolition of Tithes and Church Cess.

Parliamentary Reform — Bill for Scotland—Committee—Second Day.] The Duke of Richmond moved the Order of the Day for a Committee on the Reform (Scotland) Bill.

House in Committee.

On the question that the Committee should agree to the clause for regulating the order of proceedings at elections for counties,

The Earl of *Rosslyn* thought it advisable that the election for the county of Mid-Lothian should not take place in the city of Edinburgh. The chance of riot at a period of excitement like that of an election, was much greater in a large and populous town than in a small place. For this reason, perhaps, the elections for the county of Middlesex took place at Brentford. Upon the same principle, he would suggest that Dalkeith should be substituted for Edinburgh, as the polling-place for the county of Mid-Lothian. The probability of tumults and disorders in Edinburgh would be much increased, if the elections for the county and the city should happen to be going on at the same time.

The Earl of *Rosebery* saw no reason for adopting the suggestion of the noble Earl. Edinburgh was the most central spot in the county; the residence of the Sheriff, and the place for transacting all the county business. The noble Earl was apprehensive that tumults might arise if the elections for the county and the city should be carried on at the same time. But that would be the Sheriff's fault. It was not likely that the Sheriff would appoint the two elections to take place at the same period. He saw no reason to depart from the rule which had been followed in similar cases.

The Duke of *Buccleugh*, living within a hundred yards of Dalkeith, would, for his own convenience, prefer that the election should not take place there. At the same time, he was bound to admit that there was great weight in the objection his noble friend had urged against holding the election at Edinburgh.

Clause agreed to; as well as several others, with verbal amendments.

On the clause relating to the writ for the election of a member for Orkney and Shetland,

The Earl of *Haddington* said, the union of those two places, for the purpose of returning one Member, had excited great surprise amongst those acquainted with the places. These two clusters of islands are divided from each other by eighty miles of stormy sea. There was no regular communication by post between them; but when a person in Orkney wrote a letter to a person in Shetland, he sent it to Edinburgh, where it remained until some trading vessel carried it to its place of destination. Under these circumstances, it appeared to be impossible that the Sheriff of Orkney could execute the duties imposed upon him by this Bill, unless a Government steam-vessel were placed at his disposal during the time of the election. In November and December, all communication between the islands was stopped. He hoped that his noble and learned friend on the Woolsack would propose such amendments as would render it possible for the Sheriff of Orkney to perform the duties imposed upon him by this Bill.

The *Lord Chancellor* did not think his noble friend had sufficiently considered the clause. The writ to Orkney and Shetland was not returnable until fifty days after it had been issued; which appeared to him sufficient time for the purpose, allowing for all the impediments to the communication between Orkney and Shetland.

The Earl of *Rosslyn* could say, that within his recollection, the return of the writ for Orkney never had taken place in less than fifty-eight days.

The *Lord Chancellor* did not believe that there was any physical impossibility of communicating between Orkney and Shetland. The Sheriff of Orkney was not bound to send his precept to the Sheriff Substitute in Shetland by post; but, like the English Sheriff, he must communicate with his officers in the best way he could.

The Earl of *Haddington* wished to know how the Sheriff of Orkney could issue his precept to the Sheriff Substitute in Shetland, if the stormy nature of the seas would not allow of communication? and what, he would ask, was to be done if the person bearing the precept should be wrecked?

Clause agreed to. The remaining

clauses, with verbal amendments, were also agreed to.

The schedules were also agreed to.

On the question being put on the Dumfries district of borough,

The Earl of *Selkirk* begged to make a request to their Lordships on the part of the people of Kirkcudbright, namely, that they should be removed from this district, and added to No. 14, consisting of New Galloway, Stranraer, Whithorn, and Wigton. The town of Kirkcudbright was more nearly connected with the district of Wigton, in its geographical position, than with that of Dumfries. The former was by far the smaller district of the two; that of Dumfries containing 24,051 inhabitants, and 1,623 10*l.* houses, and paying assessed taxes to the amount of 27,000*l.*; while the Wigton district had only 7,209 inhabitants 342 10*l.* houses, and paid 525*l.* assessed taxes.

The Earl of *Rosebery* thought their Lordships ought not to disturb the arrangement of this district, by agreeing to the wish of the noble Earl. The noble Earl had been requested by the people of Kirkcudbright to make this proposition, but he had not stated whether he had been similarly applied to by any others in this district; there was, therefore, no ground whatever for making the change.

The Earl of *Selkirk* said, his object was, that the two districts should be equalised, by transferring a moderately-sized town from the large to the small one.

Motion agreed to. The remainder of the Bill agreed to, and ordered to be reported.—House resumed.

Ecclesiastical Courts' Contempt Bill.] The Marquess of *Westmeath* wished to know from the noble and learned Lord on the Woolsack, whether it was his intention to press the Ecclesiastical Courts Contempt Bill through the stage appointed for this night in the Orders. If it were, he had to express his dissatisfaction with the course pursued last night, when, at a very late hour, and in his absence, the Bill was reported. He had hoped, that their Lordships would, on this occasion, have given that Bill precedence to the Scotch Reform Bill, as he had no doubt it would be opposed by other noble Lords besides himself.

The *Lord Chancellor* expressed his readiness to acquiesce in the postponement of the Bill alluded to, if it should be considered desirable by their Lordships, or convenient to any noble Lord particularly interested. [The Marquess of *Westmeath:* "No, no, I ask no such thing."] Well, then, if nothing was asked as concession, then the Bill would go on in the usual course, as the noble Marquess had been apprised it would, both last night and this. Last night it had been reported in the usual way; and, if the noble Marquess chose to wait, as he had been apprised it would come on, he might have opposed its going through that stage, as the noble Marquess might do, whenever he should move the House, at the proper time, that the Bill be read a third time.

The Marquess of *Westmeath* hoped it would be brought on as early as possible, so that the discussion should not be cushioned, and the Bill disposed of in a quiet snug way.

The *Lord Chancellor* said, there was certainly no ground for the latter part of the noble Marquess's complaint as to the snug disposal of the Bill. The noble Marquess had received full notice that the Bill would be brought on last night; there could, therefore, have been no surprise practised upon him, and it was rather remarkable that the reason, as the noble Marquess now said, why he thought it would not be brought on, was precisely because a notice had been given that it would be brought on.

The Order of the Day for the third reading of this Bill being read,

The Marquess of *Westmeath* rose to object to the Bill. He should be glad to know whether this Bill was meant to be an *ex post facto* measure, and, if so, whether there was any ground for it. He should be able to show, that the introduction of the Bill was a most foul and scandalous transaction. The noble and learned Lord on the Woolsack had, on a former night, endeavoured to throw dust in the eyes of their Lordships, by talking of the necessity of the Bill, from a supposed case where a party might seek to shelter himself from a contempt of any of the Ecclesiastical Courts, by means of his parliamentary privilege. The Bill was not for any such supposed object, and, with that want of memory which distinguished those who said one thing when they meant another, the noble and learned Lord had proved that the Bill was not for any general object, but was aimed personally at him (the Marquess of Westmeath), and was, as he should be able to show, as tyrannous and unprecedented a transaction as could be cited in the annals of legislation in this country. [The noble Marquess then entered into a detail of the circumstances in which the contempt which he had committed had arisen, in nearly the same terms which he had formerly employed.] After the discussion, he continued, in the House of Lords had terminated, Sir Edward Sugden had proposed to put an end to the litigation, on terms of mutual accommodation to both parties. He declared his willingness to accede to any reasonable terms of accommodation, and asked Sir Edward Sugden to draw them up. Sir Edward Sugden said, that his professional avocations in general prevented him from engaging in such a task, but that, in consequence of the very handsome manner in which he (the Marquess of Westmeath) had behaved, he would deviate from his usual practice, and look over the terms. Dr. Lushington, on the other side, said, that he had power to consent to terms of accommodation. He (the Marquess of Westmeath) then left the House, and met Sir Edward Sugden in the Earl Marshal's room, and, anxiously wishing to get out of his troubles, agreed to the terms which Sir Edward Sugden proposed. Sir Edward Sugden then desired him to go to the library of the House of Commons, and said, that there the matter might be settled. A solicitor then brought a paper, containing the terms of accommodation, in his hands, and Sir Edward Sugden proposed that it should be carried forthwith to Dr. Lushington in the House of Commons. It was carried accordingly to Dr. Lushington; he (the Marquess of Westmeath) waited for the Doctor's answer; and that answer was, that the Doctor thought the accommodation right in substance, but not in terms. That paper he had never seen since. It had remained in Dr. Lushington's pocket until the noble and learned Lord gave judgment. The day after that judgment, a bill was brought into the House to enable his opponents to do that which the law of the land had hitherto prevented those harpies from doing. In making this statement, he felt it necessary to ask their Lordships, whether this Bill was not an *ex post facto* law, directly levelled against himself? On Wednesday last the noble and learned Lord had stated his anxiety that this transaction should be accommodated. The other party desired to choose a man who should settle the terms To that proposition he had said 'no;' but he had offered to give them the names of nineteen gentlemen at the English Bar, and to leave them to select one of the number. The other party would then hear of no accommodation, and their answer, if not in word, at least in effect, was, that they would have the Bill, the whole Bill, and nothing but the Bill. Now, should he not have been something less than a man if he had failed to bring this transaction before their Lordships? He must accuse Dr. Lushington, that learned civilian, that righteous Judge, that retrospective bill-drawer, that Reform Bill supporter, that slavery abolitionist, that sinecure hater, of having drawn up this Bill for the purpose of making it press heavily upon the individual, and that individual the humble one who was then addressing their Lordships. A time might come when the venerable Judge who now presided in the Court of Arches might retire from that Court, and if that learned civilian was elevated to his dignities, what would then be the effect of this Bill in the Court of Arches? Why, that learned civilian would have to sit there to effect that arrangement, which might, indeed, suit his fancy, but which could not be brought about in any equitable manner. He must also say, that the noble and learned Lord upon the Woolsack had misrepresented the circumstances of his case, and always misrepresented them to his disadvantage. The noble and learned Lord had said, that the first judgment in the Ecclesiastical Courts was given against him. The reverse of this was the case. The first judgment had been in his favour, the second had been against him. The third, before the Delegates, was given against him; but the votes were as three to four, and Mr. Justice Bayley had given his opinion in his favour. He contended that the noble Lord ought to have introduced the whole, and not a part, of his system of Ecclesiastical Reform on this occasion, and that he ought not to have omitted that fact, which he had suppressed on the last night of this discussion, when he falsely enumerated the judgments given against him (the Marquess of Westmeath). The noble Lord had glossed over the whole conspiracy which had been formed against him. That conspiracy he had detected, and brought to light; all the conspirators had been sent to Newgate—all save one, whom, from feelings which he could not control, he had forborne to prosecute. If the noble and learned Lord was not aware of that circumstance, he knew little of the case, and ought not to have entered upon it at all. He trusted, that he had now said enough to show how this transaction really stood. Its tyrannous nature had excited his opposition; and he was not a man to be deterred by feelings of a personal nature from coming forward to state the truth. If he were to portray the measure as it deserved to be portrayed, he might again be sent, as he had been sent already for resenting his wrongs, to the King's Bench Prison for three months; but that was a measure on which he was afraid to meditate, as it might lead to consequences which he should be sorry to see accomplished. Their Lordships would do what they pleased with this Bill, but he should give it his strenuous opposition, and should always denounce it as a tyrannous and nefarious measure.

The *Lord Chancellor* said, that, after the singular and extraordinary tone of the noble Marquess's speech, he much doubted whether he ought to make any reply to it. The noble Marquess had introduced a history of his domestic transactions, and of the suits in which he had been engaged, of which he (the Lord Chancellor) had no knowledge whatever, except of that part of them in which he had been engaged as his counsel, which was a very slight and unimportant portion of them. It was perfectly immaterial whether the noble Marquess might have had some interlocutory decisions in his favour. The final decree was given against him, and that decree was confirmed on his appeal to the Court of Delegates, and subsequently in a Court of Review. The noble Marquess complained of his suppressing some parts of the transactions. How was he to know what had occurred in Doctors' Commons? Had he been Counsel in Doctors' Commons?

The Marquess of *Westmeath* said, what he had stated was, that the noble and learned Lord ought to have known the whole case before he undertook to put their Lordships in possession of it; and, as the noble and learned Lord had misrepresented it, he wished to set the noble and learned Lord right.

The *Lord Chancellor* said, that he had never undertaken to put their Lordships in possession of the facts of the noble Marquess's case. But to return to the point to which he was adverting when the noble Marquess interrupted him. The noble Marquess had charged him with the wilful suppression of the truth. He put it to their Lordships, whether such an attack had ever before been made upon any of their Lordships in that House, or indeed upon any man in any public assembly. One of the grounds of the noble Marquess's attack upon him was, that he knew nothing of the particulars of the quarrel between himself and his wife.

The Marquess of *Westmeath:* I did not enter into that question at all.

The *Lord Chancellor* said, that he was not bound to know the whole history of the conspiracy, in which the noble Lord had prosecuted to conviction all the parties save one, whom his feelings prevented him from prosecuting, and that one the principal conspirator.

The Marquess of *Westmeath:* I said, conspiratress.

The *Lord Chancellor:* Conspiratress! There again. He could not help thinking, that the advice which he had given to the noble Marquess, on the last discussion of this question—not to enter into a public explanation of his domestic grievances—was the best and most judicious advice that could possibly have been tendered to him. He had no doubt but the noble Marquess entertained a serious belief that all the sentences given against him were wrong, and that he, therefore, refused to obey them; but the noble Marquess ought to recollect, that it was only in consequence of that refusal on his part that this Bill operated against him at all. It was not brought into Parliament against the noble Marquess individually, it was not levelled against him personally, but was intended to apply to the case of every Member of Parliament who might be in a similar situation. It was in the month of April last that the present defect in the law was originally discovered, and he had then said openly in Court, that, if nobody else would introduce a bill to remedy it, he would. He denied entirely that this was a retrospective Bill. As to this Bill having been prepared by the excellent and learned civilian on whom the noble Marquess, in his excitement, had made so extraordinary an attack, or by the solicitor employed under him, he (the Lord Chancellor) had said, that it might have been drawn by him. It might have been so—it might not have been so. All he knew was, that the draft of the Bill which he had received, was not a draft of that solicitor, but was a draft prepared by a most learned and excellent person, in whose great experience, learning, and skill he had every reason to place the most implicit confidence. The Bill, too, was not unprecedented in its provisions, as the noble Marquess contended. Every act abrogating the privilege of Parliament, declared, that the person of the Member should be protected, though no judgment, decree, &c., obtained against his chattels should be impeded, stayed, or delayed, under his plea of privilege. He (the Lord Chancellor) would abstain from all comment on that part of the noble Marquess's speech, in which the noble Marquess almost regretted that he had not taken steps of outrage against two judicial personages; for the noble Marquess must have meant that, when he stated, that he had controlled his feelings so far as not to pursue towards them that course of action which had already procured him three months imprisonment in the King's Bench. He had no doubt but that, on cool reflection, when this excitement was over, the noble Marquess would see, that language like this was in itself an outrage on the decorum of their Lordships' proceedings. He should like to know what motive the noble Marquess supposed him to have for pressing hard upon the feelings of the noble Marquess. The only connexion which he had with the noble Marquess arose out of his having once been counsel for the noble Marquess, and of his having received some kindness and courtesy from the noble Marquess. If the noble Marquess thought that for that kindness and for that courtesy he was to abandon his public duty, the noble Marquess had entirely mistaken his character. As to the other party in this question, he had nothing but the most common and ordinary acquaintance with her. What inducement could he have to exercise his high functions unfairly in behalf of a person of whom he knew much less than he did of the noble Marquess—for whom he had never been counsel—against whom he had been counsel, and against whom, as counsel, he felt it his duty to use very strong language? He left the noble Marquess to guess and their Lordships to divine, what that inducement could be. Latterly he had felt that that party was ill-used, and had, therefore, a right to redress: but no redress should that party or the other party have at his hands except by regular and legitimate proceedings. That public benefit would be derived from this Bill, he looked upon as certain. If it should fall lightly upon the noble Marquess he should be better pleased by it; but if it should fall heavily, the noble Marquess would have nobody but himself to blame for it. If the noble Marquess obeyed the orders of the Court which administered the law, he would have no reason to complain of the Act of Parliament, which, however, was necessary to show that no man in England should set himself above the law.

The Duke of *Leinster* said, he thought it would be hard if the retrospective clause were introduced in the Bill, and he should be glad if it were omitted.

The Marquess of *Westmeath* hoped that he had not made the House the scene of a disorderly debate. He disclaimed any such intention; but added, that a sense of duty to himself had compelled him to make the statement which he had made. Notwithstanding all the declarations of the noble and learned Lord upon the Woolsack, that this Bill was not retrospective in its operation; he called upon him to reconcile that statement, if he could, with the letter which he had addressed to him, stating that if he did not set the law at defiance there would be no need of a retrospective clause.

The *Lord Chancellor* denied that such was the construction of his letter, and maintained that the Bill was no more retrospective than every other law.

The Bill read a third time, and passed.

HOUSE OF COMMONS,

Tuesday, July 10, 1832.

MINUTES.] Bills. Committed:—Linen Manufactures (Ireland).

Petitions presented. By Mr. JAMES E. GORDON, from Brailsford, for the Abolition of Slavery, the Discontinuance of the Grant to Maynooth College, and for the better Observance of the Sabbath Day.

MAYNOOTH COLLEGE.] Mr. James E. Gordon presented a Petition from Glasgow against the grant to the College of Maynooth.

Upon the Motion that it be printed,

Mr. *O'Connell* opposed the printing of the petition, from its containing the word idolatry. He thought that the language of polemics should not be introduced into Parliament, for if such were the case, terms enough of abuse would be found on both sides. The hon. Gentleman opposite (Mr. A. Johnston), and the gallant Officer near him (Captain Gordon) seemed exceedingly anxious to convert himself and others to their doctrine, but he begged to assure them, that the use of abusive language would never effect such an object. For his own part, he frequently treated such conduct with silence. But he could not permit a petition, from some place or the other in the wilds of Scotland, when ancient feuds and bad feelings were called into account, to be printed; it might lay on the Table. He would say, too, for his Catholic brethren, that they would rather perish at the stake than submit to idolatry. He had never presented a petition containing the word heretic.

Mr. *Dundas* confessed he entertained the same opinion as the petitioners. If any petitions did come from the wilds of Scotland, they were always couched in respectful language; and if the petition was not printed by order of the House, it would be at the cost of the petitioners.

Mr. *Sheil* observed, that this petition contained phrases equally objectionable with those contained in a former petition presented by the hon. Member. It talked of Catholics being red with the blood of the saints.

Mr. *James E. Gordon* contended, that no language was made use of that was not to be found in the standard works of the Protestant Church.

Question negatived.

CONDUCT OF COUNTY MAGISTRATES.] Mr. *Wilbraham* said, the Petition which he had to present deserved the attention of the House, and particularly of those Gentlemen who took an interest in the administration of the affairs of their respective counties. Though it stated the grievances of one county only, yet it could not be indifferent to the representatives of other counties. It was voted at a general meeting, presided over and signed by the Sheriff. Its general purport was, a complaint against the system of management pursued by the Magistrates of Cheshire in the business of that county. The grounds of complaint were many; and, as they could not possibly be interesting in their details to the House, he should merely read the heads of each from the petition, and then offer a few remarks upon two of them. The first complaint was, the arbitrary and oppressive manner in which the Cheshire Constabulary Act was carried into execution. Secondly, the extravagant expenditure of the public money. Cheshire had a source of revenue peculiar to itself in the profits of the river Weever, which added above 16,000*l.* annually to the county rate. The expenses of the county were, however, double those of Essex or Derby, and much greater than those of any other county of an equal population. Thirdly, the denial of justice to those rate-payers who appealed for redress to the Quarter Sessions, the Magistrates shutting themselves up in a private room, and thence issuing their decrees. Fourthly, the additional fees extracted by these extra police-officers beyond those that the Act permits. Fifthly, the voting away a large sum of the public money for barracks at Stayley Bridge, unnecessarily, and uncalled-for, in which transaction a gentleman who lived in Lancashire, and came only to qualify for the county of Chester, took a prominent part. Sixthly, the extravagant expense of the gaols. Seventhly, the petitioners complained, that money was thrown away in building a lunatic asylum, much larger than the state of the lunatics of the county required. Eighthly, the large salaries paid to the Gaolers. Ninthly, too large an allowance to the Clerk of the Peace. Tenthly, the not dividing the Court of Quarter Sessions into two separate Courts, according to Act of Parliament. Various other kinds of complaint were, however, stated, with the particulars of which he would not trouble the House; but they summed them up by saying, that these burthens were placed upon them by Magistrates who had, some of them, no property in the county, and who could not have any sympathy or fellow-feeling with the petitioners. These were the allegations contained in this petition. It was his wish not to state his opinion on many of them: there were two topics, however, upon which he must make a few observations. Gentlemen were, perhaps, not aware that there existed in Chester a constabulary or police Act peculiar to that city. This had not, however, any reference to the ancient palatine jurisdiction of that county, for at the very moment (now three years ago) that pains were taken to rid Cheshire of that cumbrous jurisdiction which separated it from the rest of the country, that very moment was chosen by the Magistrates of that county, backed as they were and supported by the Government, to introduce this Act, which was totally at variance with the common law of the country, and contained regulations differing from those of any other county in the kingdom. He was then a Member of this House, and both here and in the Committee he had in vain remonstrated against its introduction. He was told by a right hon. Baronet, then Secretary of State, that it was necessary as an experiment for the rest of the country. Why Chester should be thus selected for an experiment he never could understand. Had any necessity existed, they must have submitted even to the severest laws—to an Insurrection Act. But no such cause was pretended. The experiment then was made; they were cajoled, and what was the consequence?—This petition, voted unanimously at a county meeting, deprecating the continuance of this law; and another, which lay beside him, signed by 1,400 rate-payers in his own hundred. This was the fruit of the partial and experimental legislation. He did not mean to assert that this law was of no use. It would be absurd to say that 100 constables dispersed over the county would not be as useful as the village constable in suppressing riot, and in detecting crime. This was not denied, that, in some places, it had acted favourably to the public peace. It was very convenient. But who paid for it? That was the question. He objected not to the principle of the Act, but to the arbitrary exercise of the powers given by it. He complained not of the Magistrates, but of this law, which gave them powers which they might exercise without reference to the wants of those whom they wished to protect, or to the numbers and character of the population whom they desired to control. Not to take up the time of the House, he would give one instance. The north-eastern part of Cheshire was composed of manufactories. If crime or insubordination was to be expected in any part, it would be in that dense population. Now, in the hundred of Macclesfield, the Magistrates had discreetly used the powers given them, and had appointed eight constables under the Act, which number was considered ample and sufficient. In the hundred of Nantwich, on the contrary, which contained 100,000 inhabitants less than the Macclesfield hundred, the Magistrates appointed twenty. This number, it was true, had been since diminished; but the people, still dissatisfied, appealed against the decision of their Magistrates to the Quarter Sessions. Their petitions were presented in open court; yet the Magistrates retired to their private room, and refused the justice which was sought at their hands, without assigning any reason whatever for their decision. If he had not another object in view, to which he should presently advert, he should certainly have moved to repeal or to amend this Act; but, finding that his Majesty's Ministers meant to bring in a bill for the regulation of the general police of the kingdom, he would take the liberty of asking his hon. friend, the Under-Secretary of State, now in his place, whether, in the ensuing Session, if he brought in such a measure, he would have any objection to include Cheshire in the general Act, and thus virtually to repeal their local Act. He had yet to say a few words upon a subject of more general interest—the mode of doing the business at the Quarter Sessions. It was known that the power of Magistrates was very much increased, by recent Acts, in levying rates and taxes upon the people. This could not, perhaps, be avoided; but, at least, it was some consolation to the people, who were so heavily burthened, and that against the principles of the Constitution, to know the grounds which induced the Magistrates to lay these taxes upon them. This could not be done unless by open discussion, as in this House. He hoped Gentlemen would take this into their serious consideration, and that some one would introduce a general measure to effect this object. The requests of the petitioners were fair, constitutional, and reasonable. They wanted no privileges; they desired only to be put upon the same footing, and under the same law, as the rest of their fellow-countrymen.

Earl *Grosvenor* said, the petition was rather that of Mr. Edward Davies Davenport than of the county of Chester; and, after giving considerable attention to the subject, he must say, that the magistrates, he thought, had only done their duty. Instead of the county rates having been quadrupled in twenty years, there had, in fact, been only a slight increase. There had been a necessity, unfortunately, to enlarge the county gaol, and to build a new lunatic asylum; but the necessity for those two expenses, ordered, as they were, by the law, the Magistrates were obliged to incur; and he was surprised to hear his hon. friend complain of the latter, as he had always understood that the building had his sanction. He would not oppose the receipt of the petition; but he thought it proper to say these few words in vindication of the Magistrates.

Mr. *Lamb* thought a further vindication of these gentlemen quite unnecessary. He could not say when a general police bill would be introduced, but when it was, it would, of course, embrace all the districts of the country.

Mr. *Warburton* was quite satisfied that many of the complaints against the Magistrates were well founded; and, as they were of a most serious nature, he thought they demanded an investigation.

Mr. *Paget* said, it was well known that the Magistrates had, at present, uncontrolled power over the county expenditure; and, considering the amount raised and expended, it was high time that they should be subjected to some check.

Mr. *John Wood* said, in the West Riding of Yorkshire, the Court of Magistrates was open to the public, and the accounts were annually passed. It was high time, however, that a law should be introduced, to make the practice uniform.

Mr. *Wilbraham* would only say, that the petition was in no other sense Mr. Davenport's than he moved and prepared it; but it had the hearty concurrence of the public meeting called to take the matter into consideration.

Petition to be printed.

COURT OF CHANCERY.] Mr. *Spence* rose to move for leave to bring in a Bill relative to the practice of the Court of Chancery. He observed that the promised bill of the Lord Chancellor would apply to some part of the proceedings in that Court, but not to that part to which he now wished to direct the attention of the House. The object of his Bill was, to prevent expense and delay in the administration of the estate of a deceased testator or intestate. At present, if a creditor of a deceased's estate claimed payment of his demand, he had to file a bill, at a considerable expense, and to that bill an answer was put in, also at a great expense, and both bill and answer were drawn up in a common form, and required no skill to prepare them; but their enormous length rendered them very costly. It was the object of this Bill to propose, that, instead of this process of bill and answer, as now adopted, where it was sought to administer the estate of a testator or an intestate, there should be employed a short form, comprising but a few lines, and which should in substance amount to a citation of the opposite party before the Court. This citation should state, that the party at whose suit it was issued was a creditor on the estate of the testator or intestate who had died indebted to him, that the defendant was the executor or administrator of the deceased party, and should call on him to show cause why the estate of the deceased should not be administered in payment of his debts; or if the suit was brought by a residuary legatee, why, after payment of the debts and legacies, the residue should not be applied in the manner stated in the will itself. Unless the defendant could show some real cause why this should not be done, he should not be allowed to put in any answer at all, and the estate should then be administered in the same manner as it would be now, after the Master's report and the other proceedings. This would enable a party to interpose to prevent waste on the part of an executor; would compel him instantly, after he had satisfied the debts and legacies, to pay the balance into Court for the benefit of the residuary legatee; and, in a summary manner, would enable an executor or administrator to restrain creditors from proceeding at law, without the expense of that course which was now unnecessary to be adopted to secure the same end. In this manner the expenses of proceedings at law, and the expenses incurred in preventing those proceedings would both be saved, and suits, which now sometimes swallowed up the profits of an estate, would be prevented. There would, besides, be this advantage attending this Bill; it would enable the legatee or the executor at once to obtain, by a short mode of proceeding, the opinion of the Court on the construction of the will, without compelling the Court to take on itself the administration of the estate; and this would be highly advantageous, when all that was wanted was the opinion of the Court, in order to enable an executor or administrator to administer the estate. Connected with the bill which the Lord Chancellor was himself to bring in, a creditor or an executor would be enabled to conduct a suit at one-third of the expense which was now necessarily incurred. In short, it would save all the expense prior to going into the Master's office. On referring back, it would be found, that the abuses of the Court of Chancery had been complained of, from the time of Elizabeth down to the present day; and though Commissions had been appointed for the purpose of inquiring into those abuses, no effectual remedy had as yet been devised. He begged to move for leave to bring in a bill to diminish the expense and delay of proceedings in the High Court of Chancery in certain cases.

Sir *Edward Sugden* said, that he should reserve what he had to say for the future stages of the Bill, as they would afford a fitter opportunity for discussion. He must, however, take the liberty of expressing his regret that this Bill had been delayed to the very last moment; more especially as the present Ministers, when in opposition, had pledged themselves to a Reform in the Court of Chancery, and yet, after accepting office, had allowed two whole years to elapse without making any progress in redeeming that pledge.

Mr. *Spence* had pledged himself to the House, that after last Christmas he would introduce a Bill to regulate the Master's Office; and that bill was actually prepared, and would have been brought in; but that, after being submitted to the Lord Chancellor, it was thought that it would be better to bring in a more general bill, for correcting the abuses in all the offices; and when it was considered how many offices there were, he trusted that the House would agree with him, that from Christmas to the present time was not too long a period for the preparation of such a measure.

Leave given.

FORGERIES ON THE BANK OF ENGLAND.] Mr. *Hume*, in moving for Returns of the number of Forgeries that had been committed on the Bank, for the transfer of Stock, since the year 1800, adverted to a petition which had been intrusted to him by the creditors of Marsh, Stracey, Fauntleroy, and Co., complaining of the conduct of the Bank of England. He considered that this was a question in which the Chancellor of the Exchequer was more concerned than any other man in the country, because it was his duty to take care that those persons who placed their property in the public funds, did not suffer any loss by the negligence of the agents of the Government. The present was exactly a case which bore upon this principle; and he, therefore, thought that it was one which ought to be settled by the noble Lord in his official capacity, and not by the Bank of England, who were parties interested in the results. The complaint that he had to make against the Bank was, that it had allowed Fauntleroy, by means of forged powers of attorney, to obtain possession of stock; and when the rightful owners applied for the transfer the Bank refused to allow it, and had succeeded in preventing it. This he held to be an act of gross injustice; and he called upon the House to interfere on that ground. The petitioners were the creditors of Marsh, Fauntleroy, and Co.; and the Bank had announced that they would not pay the interest, nor allow any transfer of the stock, unless the creditors, in the first instance, endeavoured to rank themselves for part payment out of the bankrupts' estate. The creditors, in reply to this, alleged that the Bank had no right to force them to establish their claim; and he was instructed by this petition to state, that three decisions in Courts of Law went to prove that the money which Fauntleroy had thus fraudulently received, had never been put into the common banking stock of the house of which he was one of the partners; from which it clearly appeared, that these persons had no claim upon the assets of this banking concern. Since the detection of the forgeries, it had been discovered that for seventeen years this system of forgery had been carried on by Fauntleroy, entirely owing to the neglect and inattention of the servants of the Bank. From 1807 to 1824, Fauntleroy was thus in the habit of transferring stock on forged powers, till at last nearly 300,000*l.* had been transferred from the real owners. During that period, on several occasions, doubts arose, on the part of the officers appointed to inspect the powers of attorney, as to the genuineness of the signatures; and the Bank actually took security from Fauntleroy that they were true and proper signatures; after which it was content to prosecute no further inquiry. Under all these circumstances, he contended that the Bank had been to blame; and had, therefore, no right to endeavour to screen itself by forcing those who had suffered through these forgeries, to prove on the joint estate of the bankrupts. The hon. Member concluded by moving for the following Return: "Of all Forgeries committed since the year 1800, in the signatures of Transfers of Government Stocks or Securities, in the books kept at the Bank of England, or in Powers of Attorney, for making such Transfers; together with the dates of such Transfers and Powers, the times when, and the names of the persons by whom such Forgeries were respectively committed; the particulars and amount of Stock so affected to be transferred under such Forgeries, and whether, and at what times, and by whom, the names of such Stockholders have been replaced in the Bank books, and the Dividends thereof paid, and whether with or without suit, and whether unconditionally, or upon any and what conditions imposed by the Bank of England upon the Stockholder."

Sir *Edward Sugden*, having been retained as counsel for the creditors, would, if he were in another place, make use of the expression that he was on the same side as the hon. Gentleman, though, of course, he could not pretend to vie with him in ability, or in his knowledge of the law: nor, he trusted, should he imitate the hon. Gentleman in that confusion of facts with which he had indulged the House. But, though it would be much to the interest of his clients to receive the sanction of the House, he felt that he had a still higher duty to perform, as a Member of the Legislature, and in that capacity he begged to enter his protest against the proceeding of the hon. Gentleman. The point at issue had gone through all the Courts of Westminster Hall, and was now pending in the House of Lords, where it would be finally decided in a short time; and he, therefore, asserted, that nothing could be more improper or indecorous than for the petitioners to bring the point before the House of Commons on an *ex-parte* statement at such a juncture. Another thing which he was bound to say was, that the hon. Gentleman did not seem to be acquainted with one-fortieth of the facts of the case, and had actually confounded the persons in whose name the stock was standing, with those who claimed against the estate of Marsh and Co.

Mr. Alderman *Thompson* took the same view of the case as the hon. and learned Member who had just sat down, and thought it extremely inconvenient to bring such a matter before the House, when it was still undergoing discussion in the Courts of Law. The Bank was not fairly chargeable with negligence, for though it was true that a variance frequently took place between the hand-writing of the powers of attorney, and of the names of the parties forged upon, yet that was easily accounted for by the fact, that in many cases, transfers were effected by persons labouring under severe indisposition. He was sorry to say any thing that would in any way reflect upon any person; but it was a fact, that Messrs. Graham and Stracey, the partners of Mr. Fauntleroy, had in one instance acted upon one of those forged powers of attorney, which of itself was a proof that the forgeries were well executed. When a Motion, therefore, was made with a view to calling on the House of Commons to take the management of the public debt out of the hands of the Bank of England, on the ground of negligence in this matter, he felt bound to state the particulars of the case.

Sir *Edward Sugden* trusted that the hon. Alderman would not persevere in a course that was calculated to prejudice the case pending in the Courts of Law.

Mr. Alderman *Thompson* said, he felt all the delicacy of the situation in which he then stood, but one observation he could not help making. The Bank of England only called upon those persons, whose names had been forged, to prove against the firm of Marsh and Co., for their debts, as a condition upon which they were to have their stock replaced, in order that the Bank of England might receive the dividends to which they were entitled. Only one person had refused to avail himself of the offer, and he was interested in the bank of Marsh and Co. The Bank of England would thus have been entitled to dividends to the extent of 100,000*l.*, but not a shilling had been received by it as yet. As the feelings of the House appeared to be against his entering into further particulars, he would abstain, and would only say, in conclusion, that the Bank had pursued the only course which it could do in justice to the proprietors.

Sir *Charles Wetherell* would take on himself to say, that the hon. member for Middlesex did not understand one fact of the whole case; at all events, he had not stated one fact correctly from the beginning to the end of his speech. The hon. Gentleman had certainly quoted from the petition, and it might happen that he had been deceived in that way, as it sometimes happened to the most eminent counsel to be imposed on by their clients, when they had not industry or penetration enough to look through the brief for themselves; but still he would venture to say, that such egregious errors as the hon. Gentleman had committed, had never been committed by a counsel with or without a brief. The hon. Member had thought proper to attack the Bank for not paying the dividends, when the real fact was, that the Bank paid them so soon as the creditors had consented to prove against the joint estate of the bankrupts. Therefore, without meaning anything disrespectful, he must take the liberty of telling the hon. member for Middlesex, that he did not understand one particle of the brief that he had opened.

Lord *Althorp* said, he could not see how Government was at all interested in this question, or why his attention should have been particularly called to it by the hon. member for Middlesex. He thought the conduct of the Bank was quite fair. The Directors only said to the stockholders whose stock had been forged upon, "If we pay you your stock, you must enable us to prove against Marsh and Co., so that we may receive the dividends." Surely the public creditor had nothing to do with an arrangement like this, than which nothing could be more fair.

Mr. *James L. Knight* said, it was always objectionable to bring questions of private rights before the House, but more particularly so when, as in the present case, they were brought there under false pretences. The only person whose claim had not been satisfied by the Bank of England was Sir Edward Stracey, and he would not have his stock replaced on the condition annexed. If the hon. Member should present the petition which had been alluded to, he should oppose its reception.

Mr. *Freshfield* said, that although the stock had not been replaced, yet no arrears of dividends were allowed to accrue upon it, for they were paid regularly every half year to the holders of the stock. The Bank had done every thing to suit the convenience of the stockholders, and had, in fact, done every thing except actually replacing the stock which had been sold out under the forged powers of attorney.

Mr. *Hume* had stated the facts as they were brought under his notice, and he did not believe that he was in error in any one statement that he had made to the House.

Motion agreed to.

CUSTOMS' DUTIES BILL.] On the Motion of Lord Althorp, the House resolved itself into a Committee on the Customs' Duties Bill.

Mr. *Poulett Thomson* moved, that a sum of 803*l.* should be paid out of the Consolidated Fund, to purchase the port charges on wines imported into the County Palatine of Lancaster for the year 1833.

Mr. *Hume* wished to know from the noble Lord, in what way the value of those charges had been ascertained, to whom the 803*l.* was to be paid, and whether it might not be got rid of?

Lord *Althorp* said, that the Earl of Clarendon was the present lessee, but the charges were the private property of the King, and would continue as long as the duchy of Lancaster continued.

Mr. *Hume* said, it appeared to him that this was a sinecure, and he should oppose any motion which would have the effect of preventing any future Parliament from dealing with this, as he hoped ere long all other sinecures would be dealt with.

Lord *Althorp* said, that the present Motion would not have the effect contemplated by the hon. Member. The only object was, to free the port of Liverpool from this tax.

Mr. *Hume* said, that the whole revenues of the duchy of Lancaster ought to be brought under the control of the House.

Mr. Alderman *Thompson* said, that the port of Liverpool ought not to be relieved from the tax at the expense of the public, unless all other ports were similarly relieved.

Mr. *Hume* took the same view of the case, and expressed a hope that the Motion might be postponed.

Mr. *Poulett Thomson* said, that those charges at Liverpool were different from all other port charges at other ports; and he, therefore, hoped that the hon. Member would not persevere in opposing the Motion.

Resolution agreed to; as were the schedules attached to the Bill, and a Resolution to remove the bounty on hemp and spun-yarn.

The House resumed.

TITHES (IRELAND) — MINISTERIAL PLAN — ADJOURNED DEBATE.] Mr. Stanley moved the Order of the Day for resuming the Adjourned Debate on the Irish Tithes Bill.

Mr. *Hume* doubted whether there was not some misunderstanding respecting this order, as several Irish Members were not present, the hon. member for Kerry among the rest. They had arrived, too, at a stage of the Session when a matter of such serious importance ought not to be entertained. He concurred in the first measure, but could not agree to the others. With the state of feeling of the Irish Members, he thought it would be very difficult to get the Bills through during the present Session. He wished he could impress upon the right hon. Secretary the policy of dropping the Bills altogether for the present Session. The state of the business before the House, but, above all, the hostility of the Irish Members to the measure, rendered it impossible to carry it with any advantage at that late period of the Session. Knowing, as he did, the difficulty of carrying it, not only on the part of Irish Members, but of several English Gentlemen also, he entreated the right hon. Secretary to consider the propriety of abandoning it for the present. He felt that it was a most important subject, because it was impossible to dispose of the question of Church property in Ireland without implicating the Church in England. His decided opinion, therefore, was, that no plan would be attended with any advantageous results until there was a complete revision of the system of the Established Church, both in Ireland and in England. He hoped his Majesty's Government would not press the measure at present, but allow it to stand over till the country had a new Parliament. He wished to ask the right hon. Gentleman, whether he meant to carry the three Bills this Session, or only one Bill; he thought that one Bill would add to the existing difficulties of the Irish Government.

Mr. *Stanley* said, that he had stated, upon a former occasion, that his intention was, to lay before the House a connected plan, but not to press all the Bills this Session. He agreed that it was not possible to press the entire measure this Session. He did not think it possible, in the present state of the Session, and of the public business, to pass more than one of these Bills—the first; but to the passing of that measure the Government felt itself distinctly pledged. The Government would not press the other measures, though they had been stated as part of a general measure; but it was considered essential to the character of the Government, and the tranquillity of the country, that the Bill for rendering the Tithe Composition Act permanent and compulsory should be passed into a law with as little delay as possible. The hon. Gentleman objected to prejudging the question; but, in fact, it was not the Bill which prejudged the question, but the resolutions moved the other night by the hon. member for Wicklow. The Bill only said, that a commutation and arrangement for a fixed mode of payment should take the place of the fluctuating impost of tithes. It proposed that, in future, the tithe should be chargeable, not upon the occupying tenant, but upon the person letting the land; and, if any person having an interest in the land should think fit to take upon himself the collection and payment of that composition, he should have an allowance made him for doing so, but the clergyman should have no claim upon him. This was merely a mode of carrying into effect, practically, throughout the whole of Ireland, a principle of commutation, and for establishing a fixed mode of payment. The question as to the future application of the revenues of the Church was left perfectly open. If the hon. Gentleman's amendment were adopted, the question would be prejudged, and those resolutions would pledge the Parliament. His object was to leave the question open, but, at the same time, to get rid of a system of tithe, which all agreed in saying, might be commuted for a more equitable mode of payment. Ministers proposed that, unless the parties should agree on the terms of the composition, Commissioners should be sent down to examine into the *bona fide* value of the land, and fix the rate of the money payment. As to any question of the application of the money when raised, and the persons to whom it should be paid, it was as open as ever, and would be as open when this Bill had passed as at the present moment. But, unless the Government took some such step as this, it would have no fund whatever at its disposal. He would again fairly say, that Ministers did not intend now to persevere with the two last Bills. He had stated that the whole of them formed one continued and connected plan, and it was essential to the character of the country, and of the Government, that the first Bill should be carried through without delay, as that part of the general plan without which it was impossible to stir one step. Under these circumstances, he hoped that the objections to the introduction of the Bill would be withdrawn.

Mr. *Leader* was glad that two of the obnoxious tithe measures were abandoned for the present, particularly the measure for introducing ecclesiastical corporations into Ireland; but he regretted to hear that his Majesty's Government had determined to press the other most objectionable measure. The right hon. Gentleman took upon himself a serious responsibility in bringing forward a measure which there was great reason to apprehend would suspend the agricultural industry of Ireland. It would thereby not only reduce the population to a still lower condition of misery, but stop the transmission of 6,000,000*l.* of taxes to England. The wild and visionary measure of the right hon. Gentleman would not merely extinguish tithes, but tend to the total extinction of rent, and introduce confusion and anarchy. No man could contemplate the probable future condition of Ireland without the deepest anxiety. He must assert that the first Bill—the Bill to be carried through—was also a measure of injustice. What was the right hon. Secretary doing but attempting to enforce that Composition Act, which had already failed in 800 parishes in Ireland? It was not to the principle of the Bill alone that he was opposed, but to the machinery, which would not for a moment be tolerated in England. He thought that the right hon. Gentleman ought to have consulted professional persons as to the extent of the law expenses which would be incurred under this Bill. What would be the feelings of the people of England, if an attempt were made to allow clergymen to have the power of having receivers over English estates? Such a preference to the Church above the landlords would be most unjust. He could not see what objections could be made by the right hon. Secretary to the resolutions of the hon. member for Wicklow. All that the Government required was, a certain sum of money to pay the clergy, and that could be better raised as a land tax than under this Composition Act. If the right hon. Secretary could raise the half million which was necessary by a land tax, fairly spread over the country, abolishing the name and character of tithes, and thus get rid of the mischievous machinery of his Bill, why should he object, while at the same time he would give satisfaction to a whole people, who knew the horrors of having two establishments to support? One thing, however, he could tell the Government, and it was this, that the Representatives from Ireland would stand or fall by the resolutions which had been proposed as an amendment. They would stand by those resolutions, or fall with the country. They could not go back to their constituents unless they opposed such measures; and this observation did not apply alone to the southern Members, but he believed in the most Protestant parts of the north of Ireland, the Representative would be afraid to face the hustings if he had not opposed these measures.

The Earl of *Belfast* said, that he was from a northern county, and he would make it an additional claim on his constituents that he had supported this Bill, which went to afford some maintenance to the clergy of the Established Church.

Mr. *John Browne* said, that he had supported his Majesty's Government on all former occasions, because he was of opinion, that the members of it were sincerely anxious to promote the real interests of the empire at large; but he lamented that, in the present instance, they had departed from that course, and had adopted a line of proceeding by no means calculated to conciliate the Representatives or the people of Ireland. He would implore his Majesty's Government, in the name of the public safety, to pause before they determined to persevere in such a course, which was pregnant with the most dangerous consequences, not only to Ireland, but to the empire at large. He contended that an entire alteration of the Church was imperiously called for, not only in the application of the Church property, but in the state of the Church government in both countries, and that such an alteration was absolutely necessary for the satisfactory settlement of the peace of the empire. He saw no just reason why this alteration should not take place. He had given the question his best consideration, before and since he had the honour of a seat in that House, and the more he considered it, the more was he convinced that a great change should take place, that a different appropriation of Church property was necessary. He looked into the holy records, and he endeavoured, in vain, to find an argument in favour of the enormous wealth and appendages of that Church; on the contrary, he found that such things were condemned by those sacred records, and declared inconsistent with its duties and its objects. If he looked to Scotland he also found a powerful argument against the abuses of our own Establishment, and an incontestible proof that large possessions and immense wealth were not so necessary to the preservation of the Church as its partizans would make them believe. If he looked to Spain, and to other countries, he also found that a great reformation had taken place in the fiscal concerns of their Churches, to the advantage of the people, while the only country in Europe in which some species of ecclesiastical reform had not taken place, was in the Reformed Church of England and Ireland. There was one circumstance which was greatly calculated to strengthen the growing prejudices against the established Church of these countries — the unjust, cruel, and tyrannical conduct of the higher orders of the clergy towards the hard-working portion of that community—towards that class of men on whom all the laborious duties devolved, and who derived such wretched and beggarly remuneration for their labours. He had long observed this, and deeply did he lament the calamity. He had himself many near and dear relations in the Church, who had repeatedly told him that they disliked the existing state of things, and that they only required a moderate remuneration, such as would afford them a decent subsistence. He believed that there were a great many clergymen who would willingly give up the tithes, and accept half the amount in this way. This, he repeated, was not a time to bring forward a question of this kind; the House was not then in a situation to discuss it, and it should certainly be postponed until the next Session. He had not taken part in former discussions on the subject of tithes, because he conceived that it was not the time; he preferred waiting for the report of the Committee, before he pronounced any opinion on the subject. He had read the report, and he declared it to be his conviction, that the right hon. Gentleman's measures, instead of being calculated to establish peace in Ireland, would only tend to disorganize all that yet remained of tranquil civil society in that country.

Mr. *Mullins* thought it most unfair to proceed with the Debate in the absence of Irish Gentlemen interested in it. The right hon. Gentleman opposite had stated, in answer to some inquiries which were made of him, that this question could not be brought on to-night; in consequence of this assurance, a number of hon. members for Ireland had left the House. He, therefore, felt it his duty to move the adjournment of the Debate until Thursday.

Mr. *Ruthven* seconded the Motion. It was a question of too much importance to be debated in so thin a House. For his part, he was quite prepared to go on, but he thought it would be most unfair towards other hon. Members who were absent, supposing that the question would not have been brought forward on that night.

Lord *Althorp* observed, that the Motion just made by the hon. Member quite surprised him. The question now under discussion had stood in the Orders of the Day, and it was generally understood that it would be brought on if the business of the House was so disposed of as to allow of that being done. He was, certainly, ready to admit, that it had been doubtful whether the other business for the evening could be so disposed of as to allow of this question being discussed this evening, and if he had last night been asked whether he thought it probable that the Irish tithe question could have been entered on this evening, he should, no doubt, have answered that he thought it improbable that the other business would be got through in time; but, he should have added, that could that other business be disposed of, the question would, undoubtedly, be brought on. Under these circumstances, he thought the hon. Gentleman was hardly justified in moving an adjournment of the debate at the present moment. In the early part of the evening there had been but a small number of Members present, and at that time the question might have been brought on; but the Government purposely introduced other business, of a less important nature, in order to enable hon. Members to come down. Under all the circumstances, therefore, he thought there was no reasonable ground for the Motion, and he should oppose it.

Sir *John Brydges* would also oppose the adjournment. With respect to the question itself, he begged leave most positively to deny the assertion made by some hon. Members, that the higher classes of the clergy in Ireland were indifferent to the wants of the lower classes of the people there. The question now before them was one of great importance, and, for the comfort of all the parties whom it concerned, it ought to be brought to a conclusion at once.

Mr. *Henry Lambert* was opposed to an adjournment; at the same time, he felt himself bound to say, that most unfair means had been resorted to on the part of some one (he would not say whom) to get Irish Members to leave the House. He had himself been applied to four or five times, and assured that the Debate would not be brought on. He, however, refused to leave his place, unless a declaration was made in the House by the right hon. Gentleman, that the question would not be brought on that night. He thought it the duty of Irish Members to attend, because he remembered, most distinctly, the statement of the right hon. Secretary, that he should bring the Bill on if there was an opportunity; and, as he (Mr. Lambert) was opposed to all sort of trickery, by whomsoever practised, he should oppose the adjournment.

Mr. *Sheil* said, that the right hon. Gentleman should have pursued the same course, with regard to this Bill, as had been adopted in reference to the Party Processions Bill; upon that occasion the right hon. Gentleman had agreed not to bring it on after eleven o'clock; why, then, should he be so solicitous in pressing this discussion in the absence of so many Irish Members who were anxious to express their opinion on the subject of this measure? But the Irish Members were not the only persons who were absent to-night; there were other Gentlemen who also took an interest in this question, and he did not see them in their places. Where, he would ask, was the right hon. member for Tamworth? Where was the late Chancellor of the Exchequer, who had been the framer of a legislative enactment on the question of tithes? Where were these Gentlemen? It was pretty evident that there existed a strong impression (he would not say from what cause), amongst many hon. Members, that this question would not have been brought on to-night. It had been said, that there would be ample opportunity for discussion in the future stages of the Bill. He admitted this, but, at the same time, he must say, that they were fully justified in taking every advantage to defeat a measure which threatened the safety of their country. If it could be shown to him that this Bill of the right hon. Gentleman would feed the clergy, or procure any immediate advantage, he would not oppose it; but the contrary was the case. He admitted the disastrous state of Ireland—but would the present Bill remedy the evil? They should, therefore, beware how they introduced legislative enactments, which, while they tended in no degree to remove the mischief, most assuredly would have the effect of exasperating the people, and increasing the very disorders which they were intended to restrain.

Mr. *Stanley* said, that the argument of the hon. and learned Member went as much to putting off the question for this year as to putting it off for the day. It was true that the Government had entered into the contract referred to about the Processions' Bill; but that Bill had been read a first time, ordered to be printed, and read a second time, without opposition; and then it was, not wishing to pledge the House without giving a fair opportunity for discussion, that he made the contract now referred to. The case with the present Bill was quite different. He had not been allowed to introduce it without opposition, nor to read it a first time, although, in all other instances, such a permission was conceded to a Government. An adjournment had been unexpectedly moved in a further stage of the Bill—it had been again postponed on another night, on account of the lateness of the hour; and now another adjournment was moved, and it seemed to him that every species of delay was resorted to in order to prevent, and not to obtain, a fair discussion of the Bill.

Mr. *Maurice O'Connell* defended what had been done to delay the progress of this Bill, and declared, that this unreformed Parliament had no right to pass a Bill of this kind for Ireland. It was only fitting that such a measure should be produced before a reformed Parliament. Let the right hon. Gentleman pass what measures he pleased, they would only be a dead letter.

Sir *Charles Wetherell* thought, that, to use a familiar expression, the hon. Member had let the cat out of the bag. What was the effect of his declaration? That that House had no authority to legislate with respect to the Irish Tithe Bill; that with respect to that, they were self-condemned. He had been no party to that self-condemnation, and should, therefore, deny the consequence now attempted to be deduced from it, and he hoped that the proposition would be received as it deserved—with the marked contempt and indignation of that House. Though the Reform Bill was passed, the Members could not allow it to be asserted, that the House was officially and legally extinct.

Lord *John Russell* agreed with the hon. and learned Gentleman, that that House ought not thus to be overborne by propositions of this kind; and, at the same time, he wished to remind the hon. member for Clare of the necessary consequence of admitting the proposition, which was, that not only was that House unfit to legislate with regard to the Irish Tithe Bill, but with regard to all other Bills that affected Ireland; and, consequently, it was unfit to pass the Irish Reform Bill itself. The circumstances already mentioned by his right hon. friend, the Secretary for Ireland, and the advice to go away, of which an hon. Member had spoken, showed a settled disposition, in some hon. Members, to get rid of the question by other means than those of fair discussion.

Mr. *Maurice O'Connell* explained. He had not meant to say that that House was unfit to legislate on Irish questions; he only intended to state, that with respect to this Bill, his constituents thought that it ought not to be legislated on by an unreformed House of Commons.

Mr. *Hume* admitted, that the right hon. Gentleman (the Secretary for Ireland) had stated, he would bring on this question on this evening, if the state of the business of the House enabled him to do so; but, he considered it would be very impolitic for the Ministers to persist in passing a Bill, which they admitted to be only part of the measure proposed by them. It would be much wiser, instead of postponing the consideration of part to the next Session, to postpone the whole.

Mr. *Mullins* had no wish to impede public business, and would not press his Amendment.

Amendment negatived, and Debate resumed; the question before the House being Mr. James Grattan's Amendment on Mr. Stanley's Motion, for leave to bring in a bill for a compulsory commutation of tithes in Ireland.

Mr. *Henry Lambert* said, he was never struck with so much dismay as when the right hon. Secretary declared the determination of the Government to carry the first of these Bills during the present Session. It would create the greatest agitation in Ireland, and render the ultimate settlement of the tithe question infinitely more difficult. The measure would be most objectionable to the landlords of Ireland. The Bill made the composition compulsory, but it never could be carried into effect. The landlords would not be degraded into tithe proctors. For his own part, he could not, he would not pay tithes; they might take his goods if they thought proper—he would submit to the law, but he never would pay tithes. It had been the fashion to speak of the oppressive conduct of Irish landlords; he was aware of no instances of such conduct in his neighbourhood, but he was prepared to prove many cases of oppression in the exaction of tithes. He implored his Majesty's Government not to pass this Bill. He warned them of the opposition which it would most assuredly meet with. He did not often intrude himself on the House, but he felt it his duty to oppose it, not out of mere opposition to his Majesty's Government—to whose measures, generally speaking, he wished success—but because he could not but feel that it was fraught with additional evils to Ireland, and never could be carried into execution.

Sir *Robert Peel* felt it his duty to state his opinion upon this most important question. There were two courses, one or other of which the House must determine to follow. It must either adopt the proposal of the right hon. Gentleman (Mr. Stanley), which did not require that they should then determine upon the details of any measure—which did not even of necessity involve the appointment of a receiver—which merely, in conformity with the Report of the Committee, asked leave to submit a legislative measure for the deliberative consideration of the House. The other course proposed that they should agree to certain Resolutions, the effect of the adoption of which would be, to postpone all consideration of the question for an indefinite period. He was bound to declare his opinion, that the latter course was unjust and impolitic, and therefore he should give it his most decided opposition. He repeated, that the latter proposition was unjust; and, if he required any authority to support that assertion, he would take the Resolutions themselves, to the adoption of which he was called upon to give his consent. The second Resolution stated, "that in coming to the previous resolution, we recognize the rights of persons having vested interests, and we declare that it is the duty of Parliament to provide for those persons a just compensation." Well, then, before he agreed to that Resolution, he required to know from those who proposed it, what was the mode in which they expected that Parliament would fulfil the admitted duty of providing for the sufferers a just compensation? Was it not notorious that there were persons of the highest respectability, both from character and station, possessed of as valid, as legal, as equitable a claim to property as any man in the country possessed, who were deprived of that property by what he had heard described in that House as a moral combination? What! was that a moral combination which robbed persons of property to which they had as good a claim as any landed proprietor of the country had to his land? The Resolution proposed, admitted their right to just compensation. By whom was that compensation to be provided? Not, surely, by the Treasury? [Mr. *James Grattan*: No.] Not by the Treasury. He presumed also that it would be admitted at once, that the people of England, who obeyed the laws, and paid tithes larger in amount than those which were paid in Ireland — that they, who were not exclusively members of the Established Church, many of them being persons who dissented from that Church, but who still fulfilled the obligations of morality, obeyed the decisions of the law, and rendered unto others that which was their due; it surely would not, could not, be contended, that the English people were the parties who could be fairly or justly called upon to make up this deficiency. Every Gentleman appeared to admit the justice of that proposition. By whom, then, was this just compensation to be made? He presumed that the next admission would naturally be, that it must come from the landed proprietors of Ireland, who were to benefit by the remission of tithe. But, if this were so, and if, at the same time, as the hon. and learned Gentleman said, insubordination was marching through the land with giant-strides — if, according to his own declaration, he himself would refuse to pay tithes—voluntarily to pay tithes—if, as he stated, there was an array of physical strength directed against the payment of tithe; if these things were true, could they believe that, if they postponed this question for six months, without any expression of opinion on the part of Parliament, when, according to the admissions of hon. Members, the claim to tithe would have been practically extinguished, if not by open violation of the law, at least by that which was tantamount to it—could they believe that, six months hence, the "just compensation" would be easily recovered from the parties from whom it was admitted to be due? If there were a claim on the part of individuals, now possessing property, to receive an equivalent for the loss of it; and if it were the duty of Parliament to provide that equivalent, was it not its duty to do so without delay? Why devolve that duty on a succeeding Parliament? Why should not the same hands which inflicted the injury grant the reparation? In the terms of this Resolution itself, therefore, he found sufficient reason for establishing some principle of legislation, which, whatever might be its other deficiencies, should, at least, mark the sense of Parliament, that it was the bounden duty of the people of Ireland to obey the laws, to respect the rights of property, and to continue to afford that support for the Established Church to which the Church had an unquestionable legal claim. The whole of the proposition made by the right hon. Secretary for Ireland was, that he should be allowed to bring in a bill, making that composition which had been voluntarily entered into by both parties—the tithe-receiver and the tithe-payer—in two-thirds of the parishes of Ireland, compulsory in other parts of Ireland, and permanent in all. And with what view? Why, for the purpose of laying the foundation of that very commutation of tithe which, he inferred from the admission of the hon. Gentleman, was indispensable to the peace of Ireland. It was impossible, by the declaration of hon. Gentlemen themselves, to derive the equivalent admitted to be due from the land of Ireland on the extinction of tithe, without some such compulsory measure as this. It was offered as a preliminary measure. The hon. Gentleman (Mr. James Grattan) admitted, that it was right that there should be this charge upon the land. But that was a very barren admission, unless he informed the House how it was to be obtained from the land. He could scarcely thank the hon. Member for that admission; nothing was gained by it. It was easy to say that vested interests ought to be protected—that it was not right that the Treasury should provide compensation out of public money—and that it was quite fair to levy the equivalent for tithe upon the land of Ireland. Nothing was more easy than to come down with abstract resolutions, admitting the justice of certain undeniable propositions, but failing to show how any one of them was to be practically enforced. Why, it appeared that the same Gentlemen who were foremost to admit the just liability of the land, objected to that of the landlord. Then what was the alternative? Why, distress upon the tenants. If the charge was to be upon the land, show us at least in what manner it is to be made. Here is an existing charge upon the land—a charge confirmed by repeated Acts of Parliament; that charge was resisted — passive resistance was brought to bear against it; the remedy was against the occupying tenant, through the medium of a distress upon his goods. What other remedy could the hon. Gentleman give, if the landlord was not to be responsible? And if it was still to be distress on the goods of the occupying tenant, how should they be in a better condition hereafter? The hon. Gentleman said, that tithe was not a tax upon the land, that it was not a legal charge upon the land. He could not see the least force in that observation. The hon. Gentleman said, that the clergyman was not entitled to take tithe from the land, but that he must wait until the produce was separated from the land. Why, if he had a legal right to one-tenth of that produce, was it, or was it not, a virtual charge to that amount upon the land? In case the tenant refused or neglected to pay his rent to his landlord, what was his landlord's remedy? An ejectment and a distress. What was the nature of a distress? Not a seizure or confiscation of the land, which already belonged to the landlord; the remedy was against the produce of the land. But what said the hon. Gentleman to all that portion of the land of Ireland in which voluntary compositions had been entered into? The hon. Gentleman objected to the law proposed to be introduced, because tithe was at present levied, not upon the land, but upon the produce. But in two-thirds of the parishes of Ireland, in consequence of voluntary arrangements, to which the tithe-payers were parties, the composition in lieu of tithe was made chargeable upon the land. It had been made a charge upon the land, because the parties subject to tithe preferred it rather than that the clergyman, exacting his strict right, should have the power of taking the full amount of tithe in kind. The distinction drawn by the hon. Gentleman, in point of fact, amounted to nothing. The fact was, that there existed a legal right, which was opposed, either by an array of physical strength, by actual combination against the law, or by that evasion which was backed by physical strength, and depended upon physical strength alone to give it support to defeat the law. But let no landlord, let no proprietor of property of any kind in Ireland, trust to the security of his property five minutes after such a combination shall have been successful, after it shall have been able to defeat the Legislature. The hon. Gentleman argued as if, in point of fact, no violation of the law had taken place—as if the combined plan entered into by those who were dissatisfied with what they termed an unjust impost, was a legitimate means of escaping from a just debt. Now, if that position were correct, he would ask both English landlords and Irish landlords—for he wished not to separate them; and he had had too long a connexion with Ireland to entertain a desire to say a harsh word with respect to any of its landed proprietors — he would ask the landlords, whether the same instrument of evasion, of practical defeat of the law, might not be again applied, for other purposes, and to other objects? Why, two years hence, if this feeling and these opinions should prevail, why might not some man of authority start up and advise, that absentee property should be the subject of another and a similar combination? Might he not say, and say with equal semblance of truth, "I pay my rent upon the supposition that I have the advantage of the residence of my landlord; I, however, receive no such advantage; he takes the money over to England—and I, therefore, consider myself absolved from my obligation to pay the rent?" He could assure the House, that they had better decide this matter in time—better put a stop to such proceedings before it was too late to arrest their progress; for the same argument now used against Church property might be directed with equal force against all other property. Might not the tenantry of Ireland say, at some future period, if these combinations were not arrested:—"The clergyman was resident; he did fulfil some duties, although his Roman Catholic parishioners dissented from him as to religion; yet, as we have succeeded, with the consent—at least with the tacit connivance—of the Legislature, which closed its eyes to the gigantic march of insubordination—which had not the courage to look the question in the face—as we have succeeded with respect to tithe property, let us try the same experiment upon other dues, and apply the same principles to rent?" Was it not in human nature that there should be such reasoning as this in regard to other burthens? On these grounds, then, and looking, at the same time, with the most anxious apprehension to the state of Ireland, he was convinced that they could not by possibility gain anything by abandoning the claims of justice. He did not see how it could be a conciliatory measure—at least, he could not reconcile such conciliation with common justice—to tell those who had a right to protection, that they were to be left, not only without a present, but without a future, chance of that protection, by abandoning this question in the present Session of Parliament. It appeared to him that the proposition of the right hon. Gentleman was in conformity with justice. It might be met by an array of physical strength, but he hoped that a British Government, and a British Parliament, would be prepared to take upon themselves the responsibility of supporting it. He would not detract, on the present occasion, from any little support which it was in his power to give the Government, by dwelling upon any minor points upon which, with respect to this Bill, he might differ from them. To the substance of the Bill he was a party. In that part of the Report, also, which stated that the Committee did not overlook the great importance of the question; that, on the contrary, they thought it one which involved, in many cases, a more adequate remuneration for the resident clergy—the abolition of the sinecures of the Church—and a more general appointment of resident Protestant ministers throughout the country; in that part of the Report he agreed—those opinions he was ready to maintain. He was perfectly willing to consider, fairly and deliberately, every proposition for the redress of just grievances, knowing, as he did, the just force of many of the objections which had been made to the present tithe system. When the House evinced the disposition to redress every well-founded grievance, it stood on high ground, and had a right to require the people of Ireland to obey the law, and to respect the rights of property. The measure which the right hon. Gentleman proposed, was not merely one marking the sense of Parliament as to the necessity of an observance of those rights, but it was absolutely necessary as a preliminary towards the remedy of many evils. It was a preliminary step, necessary to be taken previous to making that commutation for which almost every Gentleman professed himself a zealous advocate. By postponing this measure, therefore, they would postpone, at the same time, the introduction of that which was admitted to be so desirable. On these grounds he felt himself bound to give his support to the Government; and he could not conclude without expressing his regret at the opposition which the measure had received from the landlords of Ireland. He regretted it with all sincerity, not only on account of the violation of the rights of other parties, but because he believed that their opposition, if it succeeded, would be ultimately fatal to their own rights, and tend to their own spoliation. He should support, cordially and firmly, the proposition of the right hon. Secretary for Ireland, for leave to bring in this Bill.

Mr. *Wyse* was happy to hear the right hon. Baronet, in the beginning of his speech, desire the House to stand upon the moral right of the question. The Representatives of the people of Ireland did stand upon the moral right, and did not go one jot beyond it. He thanked the right hon. Baronet for having grappled with the subject, being the first, among the number who had spoken on that side of the House, to advert to the resolutions proposed by his hon. friend, the member for Wicklow; but he was sorry to perceive throughout the whole of the speech of the right hon. Baronet, a considerable degree of misconception of some of the most important provisions of the Bill. The first thing the members for Ireland looked for was, a remedy for the present state of distraction and misery into which that country was plunged—the first thing which they called for was, a remedial measure, and the first ground of their opposition to this measure was, that it was merely coercive, without having any remedy whatever attached to it; and they felt convinced that, if such a measure were applied to England, its effect on the popular mind would be, to produce one cry of execration throughout the land against it. Now, he asked the right hon. Baronet—he asked the English and the Irish Members of the House—was any one of the Bills which the right hon. Gentleman, the Secretary for Ireland, had proposed, truly and *bona fide* a remedial measure? The first point stated in the resolutions with respect to tithes was, not that the name, and the name alone, should be taken away, but they called for the total extinction and abolition of tithes. They used the words contained in the first Report of the Tithe Committee, and, he hoped, used them in the same sense. They called for the absolute extinction of tithes. In this, perhaps, they differed from hon. Gentlemen on the other side of the House, who might wish to give a quibbling and doubtful meaning to the words. He, however, and his party, gave to them their true and legitimate sense. So did the people of Ireland. When they spoke of abolition, they meant the abolition of the thing itself, not of the mere name. They required a total change in the system. They knew well that the assertion of such a principle would be instantly opposed—that many objections would be made to it—that they should instantly be charged with destroying vested rights, with pulling down the sanctuaries of the Church, with laying prostrate all the religious institutions of the country, and exposing them to spoliation of every description. They were aware they should be attacked with a charge of waging war against the Protestant religion—with spoliating property, and plundering legitimate rights. They had expressly guarded themselves, however, against the last charge, because they stated openly and fairly in their resolutions, that they recognised the rights of parties having vested interests. With reference to any charge of wishing to destroy the rights of the Church, common sense told them that they must have an Established Church, and an established religion, unless they would relapse into a state of brutal ignorance and unenlightened barbarism. These were not their principles; such never had been, and never would be, the principles of the party with which he had the honour to act. Having said thus much, he now came to by far the most important point of consideration, to which he would beg to direct the peculiar attention of the House, because he thought it afforded a direct answer to the objection of the right hon. Baronet. His objection was, that, if this measure were not taken into consideration, there would be no security for vested rights. In this point, the resolutionists had been far more specific than the right hon. Baronet seemed disposed to give them credit for being; if they had not, he would certainly admit, that that would have been an objection of the first magnitude. With reference to the resolutions which had been proposed by the hon. member for Wicklow, at this period of the Session, it was most important that the House should not shrink from expressing its opinions, and from boldly stating to the country on what principle they proceeded. He was well aware that they could not now enter into all the various details of this question; but there was nothing to prevent their taking that course which, instead of being a singular one, would be the usual course to pursue. By expressly declaring their opinions, in this last hour of their political existence, they might do much. If they did so—and there was nothing to prevent their adopting such a course—they should clearly evince the intention of the law—the rest they migh leave to future Parliaments; taking such a step as this would alone tend to satisfy and tranquillize the country, and by those resolutions they would stand or fall. He did not make this statement merely from his own opinion on the subject, but he had founded it on the evidence which had been taken before the Committee. Doctor Doyle had stated specifically on the subject of tithes, that simple legislation would, in his opinion, be sufficient to produce this effect. They had not said, that the Treasury should provide the necessary composition; but they did say that it could be made through the Treasury.

Was it a matter of greater difficulty than the establishment of the land tax? This was a preliminary measure on which to found a land tax. The Composition Act, which this Bill was, in fact, intended to follow up, had completely failed in its operation; it had not only failed to produce good results, but it had, positively, been productive of evil where good existed before. This assertion would be corroborated by the very best authority. The Protestant Archbishop of Dublin stated, that one of the great evils of the Composition Act was, that, under its operation, the most unfair advantage was taken, sometimes by the servants, and sometimes by the landlords; and he stated also, that either the peculiar legislation of this House, or political circumstances, had led to conclusions which must terminate in a thorough review of the whole subject. The Composition Act should, therefore, be revised; and would it not be just as easy to pass it by and to legislate anew? Let the estates in Ireland be surveyed by parliamentary Commissioners, and the whole value of the landed property, including that of the absentees, be ascertained, and then a sum of money allowed to be paid into the Treasury—the future application thereof to be directed and controlled by Parliament. The right hon. Baronet had touched upon the true state of the case. The House was debating in the nineteenth century on a question of the greatest importance; they could not legislate by reverting to ancient documents, and the usage and custom of by-gone times; they must look to the state of the country; they must direct their attention to the circumstances in which the people were placed. They stood in a position in which they could not adopt precedents — in which they had to create precedents for posterity; they must make up their minds to abolish the present system of combination in Ireland by such legislation as should effect that object most sincerely. He felt, in common with the right hon. Baronet, that it was a combination much to be deplored, and much to be feared, not only as regarded its present results, but with reference also to those results that it would hereafter produce. It cast before them shadows of the most fearful import; it was pregnant with importance to all the occupiers of soil, and owners of rent in Ireland. Years ago, the Roman Catholics of Ireland were united by a strong but invisible bond: these men, year after year, presented petitions to this House, when they were trampled under foot; and now, it was impossible to legislate without taking away the causes of the present state of feeling in that country. Their rights were acknowledged, these principles admitted, by acceding to Catholic emancipation. Catholic emancipation was in Ireland what Reform was in England. In the first ebullition of popular feeling, it might perhaps be conceived, that this was a mere Roman Catholic combination against the Protestant religion; but government had now reached that crisis, that, if it advanced one single step beyond it, it would find it impossible alike to retrace its steps, or to proceed. If to-day a cry was raised against tithe, to-morrow there would be a cry for the Repeal of the Union, and every candidate that stood upon the hustings in Ireland would be required, and called upon, to support these views. Those who would stop the torrent of popular feeling in Ireland by coercive legislation, would find behind them men stronger than themselves, who would hurl them down the precipice, to the brink of which they so rashly ventured. It became every one sitting in that House to call upon the Government to recollect the precipice on which this country now stood. They were legislating for Ireland; but they ought to act as they would for England; for, unless proper measures were taken, the same combinations —the same resistance to the payment of tithes would be acted here, and they would have the same battle to fight again. The time was approaching; there was but one instant to deliberate; if neglected, the opportunity was gone, and the next would be too late.

Lord *Althorp* said, he could not but view this question in the same light as that in which it had been considered by the hon. Gentleman who had just sat down, as being one of the very greatest importance. Yet he did not concur with the hon. Gentleman in the line of argument which he had adopted with reference to it. The hon. Gentleman said, that this was no time to go back to precedents, but that they ought to pursue a new course under the circumstances of the case? But what sort of course were they to adopt? Were they to empower the people of Ireland to set the law at utter defiance, and to carry any measure which they might think fit to advocate? There could be no doubt that this was the very last precedent they ought to establish. With respect to the resolutions which had been proposed, they undoubtedly professed to respect existing rights, but they stated vaguely, without mentioning any precise mode, that it was fitting that Church property generally should be applied to purposes of religion and charity only; but they did not directly point out what it was intended to do, and, indeed, they did not touch upon any part of the question in such a manner as to enable the House to enter into the consideration of the subject. Leaving the question in such a state as this would be worse than doing nothing at all. On the other hand, what was it Ministers proposed to do? They proposed to carry a measure, which should make such an arrangement with respect to the property of the Church of Ireland, as, for the future, to prevent the occurrence of those scenes which every Gentleman must deeply lament. They might differ in opinion as to what those arrangements should be, as to the mode of carrying them into effect; but all must agree, that it was absolutely necessary some arrangement should be made to settle the question. The hon. Gentleman said, what was so easy as to appoint Commissioners to ascertain the value of the land, and of the tithe payable out of it? Yet a length of time must interpose, and an acreable value on the whole of Ireland must be made. If that was the mode by which they were to proceed to settle this question, it would almost indefinitely postpone any arrangement. But what would be the effect of such an arrangement if it were adopted? If a fair equivalent in land was to be given for the tithe, it would be taking away one-tenth of the land of Ireland. He could conceive no measure less likely to settle the question, than entering upon such a calculation. The hon. Gentleman said, "Consider what you will do for England." He (Lord Althorp) was perfectly satisfied that, in those parts of the country where the question of tithes had been lately agitated—particularly in the western counties—nothing would be more gratifying to the tithe-payers than that the amount of tithes should be for ever settled upon the principle of a corn-rent. It had been asked, whether such a measure as this would be endured by the people of England? He assured the gentlemen of Ireland that nothing would be more gratifying to the landlords throughout England, than such an arrangement being made on the subject as would permit of their letting the land tithe-free. It had been said by the hon. member for Wexford, "You begin by a coercive measure, and end by a compulsory one." But did that hon. Gentleman mean to say, that taking tithes in kind was better than having a composition? It was quite impossible he should say this. It was true, the proposed measure was compulsory, but it was, at the same time, undoubtedly beneficial to every parish in Ireland, because, if it be more beneficial to have a money payment than to pay tithe in kind, then this must be a beneficial measure. But the benefit was certainly greater to the tenantry than the landlords. The effect of this measure would be, to remove the immediate burthen from the tenants, and to impose it more directly on the landlords; but he was quite satisfied, that if the landlords looked at their real interests, nothing could be more beneficial to them than to relieve their tenantry from the collection of tithes. He had heard it argued—and it was an argument which had extremely surprised him—that this measure was, in fact, doing away with the law relating to agistment. He never understood that the getting rid of that law was considered an objectionable measure. If ever there was a law which reflected disgrace, on the Legislature, it was that law. English Gentlemen could hardly be aware of what that law was. It was simply this:—persons of large property in Ireland obtained this law, by which all the pasturage land was relieved from the payment of tithe; and the whole burthen was thrown upon the arable land, which was mostly occupied by the poorer tenantry. The Composition Act, however, spread the whole amount of the tithe over the whole parish, whether the land be pasture or arable. If this was not a benefit to the people, he knew not what could be. If this law had the effect of spreading tithe over all the parish, certainly, so far from that being an objection to it, it was one of its great merits. A great many complaints had been urged against that part of the measure which related to the appointment of a receiver; but, as was stated by the right hon. Gentleman opposite, this was hardly a question to be discussed on the first introduction of the measure, being more a matter of detail, to be considered hereafter. But how was this arrangement so extremely objectionable as Gentlemen had stated it to be? If it was right that these payments should be based upon land, that the payments should be made by the persons holding the lands, surely it was right that means should be given to recover those payments when withheld. These receivers were only to be appointed after all other means of obtaining payment had failed. In point of fact, it placed the case simply in the light of a mortgage. Cases had been stated in order to show the great difficulties in which gentlemen would be placed whose rents were not regularly paid. But the same difficulty happened to every man whose estate was in mortgage, and the interest on which was to be defrayed out of the rents of his estate, when those rents were unpaid. A person might have an estate nominally of 8,000*l.* a year, but, owing to the encumbrances on it, he had only 600*l.* a year to spend for his own support; what would happen, then, it was said, if the tithe of that estate were to amount to 600*l.* a-year? He would have to pay it all to the clergyman. But, in the first place, the estate being under lease, it would be a matter of choice with him whether he would take the payment of the tithe upon himself; if he did, then he would have the power to recover the 600*l.* from his tenantry; and, allowing for the charge of recovering being imposed on the clergy, he would pay 510*l.* only; therefore, instead of being injured, he would be benefited to the amount of 90*l.* a year. Some Gentlemen said, that the landlord could not recover the tithe at all from his tenants. But he would be able to recover his tithe and rent together, just as easily as it was now recovered by taking the tithe separately or in kind. In his opinion, therefore, the case supposed ought not to be put as one of extreme hardship on the landlords. But the hon. member for Wexford said, the landlords of Ireland would not be made tithe-proctors. He (Lord Althorp) was not aware of the feelings of others, but if he had land, and could let it tithe-free, by paying the tithe to the clergyman, he should be most happy to become, and his tenantry would also be most happy that he should become, a tithe-proctor. For, after all, how was this done? Look to the effect of offering land to the tenant tithe-free. The tenant considered the advantage of not having the tithe-proctor coming on his land. There was the advantage of not having the charge increased in proportion to the increased value of his land, and the improved state of his crops. He was at liberty to invest his capital and his skill in the improvement of his farm, without having that capital and skill taxed by the additional demand of the tithe-proctor. These were advantages for which but a very inadequate recompense was given, by a small additional sum paid to the landlord in the shape of rent. Under these circumstances, he hoped the House would pass the measure, which was absolutely necessary before the question of tithe could be settled. It was absolutely necessary to consider, what was to be the tithe, and how it was to be collected, before considering what was to be done with it. When this measure was determined, it would be much easier to ascertain the second question—namely, what was to be done with the tithe so collected, or the composition so raised; and on that ground alone he should strongly advocate the measure. But, besides that, it was absolutely necessary that Parliament should not separate without having declared its decided opinion upon this question; and that Parliament should not allow a combination, such as now existed, to overcome the law, without at least declaring, that they were determined to stand by the law, and do what was just for those persons who were now the sufferers by that combination.

Mr. *Henry Grattan* would support the amendment of his hon. relative, the member for Wicklow, because he believed that the measure of the right hon. Secretary for Ireland would overturn the laws relating to private property, and cause the most disastrous consequences in Ireland.

Mr. *O'Ferrall* thought that the measure would only spread combination, and make it more virulent. It would fail, because it was founded on the measures which had already been tried and failed. It would continue to make the occupying tenant pay, and would not lessen one of the evils suffered under the present system. He protested, upon the part of the landlords of Ireland, that they had no wish to throw the burthen off their own shoulders, or appropriate tithes to themselves. On the contrary, if they could, by taxing themselves, relieve their tenantry, they would gladly do that. A charge which had been preferred against them by certain persons, who professed to be the supporters of the Church, was, that the landlords wished to take advantage of a public commotion to get rid of this tax. He denied this assertion. The amendment proposed by his hon. friend, the member for Wicklow, showed the falsehood of the allegation. The landlords admitted tithes to be public property, but the country demanded a different appropriation of the revenue derived from them. He must deprecate the line of argument adopted by the supporters of this Bill. There was, he was afraid, too much of fanatical cant mixed up with it. They talked about vested rights, and put Church property upon the same level with private property. He recognised the right of the present incumbents to a decent provision during their lives, but he denied that tithes or Church property should be regarded in the same light as private property.

Mr. *Jephson* thought the plan proposed by his Majesty's Government, one of the most extraordinary propositions he had ever heard of. They found that the Composition Act had completely failed in Ireland; that the opposition prevailed to a greater extent in those parishes where it had been adopted; and yet the remedy which they proposed was to extend this Act all over Ireland. When the Government formed the determination to make new legislative enactments with regard to Church property, they should, before they passed laws for the levying of the tax, decide and define the precise objects for which this tax should be appropriated. It would not be contended, that the Irish Church establishment should be allowed to go on in the old way, with all its abuses on its head. If, therefore, Government thought proper to make any alteration, why not first direct their attention to this most important of all considerations? If they wished to make their law palatable to the people, they should commence by lopping off all sinecures, and improving the condition of the working clergy. If this were properly carried into execution, there would be a very considerable fund, which might be applied to the support of the clergy of other religions. The proposed measure he was convinced, would only create mischief and he was afraid it would lead to bloodshed.

Mr. *Blackney* fully agreed with his hon. friend, the member for Mallow, that the Government had committed an egregious blunder in introducing a measure of this description. They should have, in the first place, considered the appropriation of the fund before they proposed a law for the enforcement of the tax. The proposition of the right hon. Gentleman was anything but calculated to allay the ferment of the public mind. For his own part, he clearly foresaw, twelve months ago, what had taken place since, and it was now more than six months since he stated it to be his opinion, that it would be impossible in future to collect tithes in Ireland. He knew this through the best possible sources of information, and every thing which he foretold had come to pass, and all the enactments of the right hon. Secretary would never restore the system which was now completely exploded. The refusal to place any Catholics on the Tithe Committee had induced all the people of Ireland, more strenuously than before, to stand up against tithes; this, together with the line of conduct which had been pursued by the dignitaries of the Established Church in another place, had made the opposition to tithes general throughout Ireland. The whole plan, then, was a farce, for it would be perfectly impossible, even with a large military force, to collect the tithes in Ireland.

Mr. *Callaghan* thought the question was so important as to require a further adjournment. He accordingly moved, that the debate be adjourned to next day.

Sir *John Brydges* opposed the Motion. It was not yet time to leave off business.

Mr. *Stanley* said, that he was exceedingly unwilling to adjourn the Debate, but he should not oppose the Motion, if there remained many Members desirous of expressing their opinion on the subject.

Debate again adjourned.

HOUSE OF LORDS,

Thursday, July 12, 1832.

MINUTES.] Bill. Read a second time:—Union of Parishes.

Petitions presented. By Lord KENYON, from the Parish of Marylebone, for an extension of the time for Voters to Register themselves under the Reform Bill.—By the Earl of RADNOR, from two Places in Ireland; and by Lord PLUNKETT, from the National Political Union; and from the Presbyterian Synod of Munster,—in favour of the Government Plan of Education (Ireland);—and by Lord ORIEL, from one Place in Ireland, against that Plan.—By the Earl of RADNOR, from three Places in Ireland;—by the Marquess of SLIGO, from Cloonacool, and by a NOBLE LORD, from Doneraile,—against Tithes.

REFORM ACT. QUALIFICATION.] Lord *Kenyon* presented a Petition, very numerously signed, from the inhabitants of the parish of Marylebone. The petitioners prayed for an extension of the period fixed for the payment of the parochial rates, in order to give a qualification under the Reform Bill. In the extensive and populous parish of Marylebone, the parochial taxes were paid every half year. The Act of Parliament required that the taxes due at the 6th of April, should be all paid up before the 30th of July. Now as there would be 10,000 voters in Marylebone, it was scarcely possible that the parish books could be made up so as to show who had or had not been unable or unwilling to pay the taxes in the time specified; and the consequence would be, if the present rule was persisted in, that a number of persons must be disfranchised for the next election.

The Earl of *Radnor* was of opinion the result apprehended could hardly be contemplated as likely to arise. If the parties paid the last demand made upon them for taxes, he thought it would be sufficient.

Lord *Kenyon* said, certainly it was next to impossible that the books of such a parish as Marylebone should be made up in time.

Petition to lie on the Table.

PARLIAMENTARY REFORM—BILL FOR SCOTLAND—REPORT.] The Report of the Committee on the Reform of Parliament (Scotland) Bill was brought up.

Several verbal Amendments were agreed to.

The Earl of *Haddington* wished to propose an Amendment to the first clause, though it was not his intention to press it to a division, his object being merely to have his opinions entered on the Journals of the House. He begged, therefore, in the first clause, to move, where these words occur, "there shall be fifty-three Representatives returned for Scotland," that the number fifty-three be struck out, for the purpose of inserting these words—"sixty-one;" and that, in the following line, where these words occur—"of whom thirty shall be for the several conjoined shires or stewartries hereinafter named," the word "thirty" be struck out, for the purpose of inserting the words "thirty-eight."

Amendment negatived.

The noble Earl moved, that in the second clause, which provides "enumeration of counties hereafter to return Members severally or jointly," the word "one," third line, be struck out, for the purpose of inserting the word "two," striking out the words "combined shires, or parts of shires."

Amendment negatived.

The *Lord Chancellor* had an amendment to propose applying to the clause in page 5, with respect to the qualification of county voters. His noble friend seemed to consider that great difficulty would arise respecting the construction of the words "of the yearly value of 10*l.*, and shall actually yield or be capable of yielding that value to the claimant." In order to remove all doubts on the subject, he moved to add these words—"on an average of the last ten years."

The Earl of *Haddington* begged, before that Amendment was put, to move, that this clause be omitted altogether, for the purpose of introducing three other clauses in its place. The first was as follows:—"And be it enacted that, from and after the passing of this Act, every person, not subject to any legal incapacity, shall be entitled to be registered as hereinafter directed, thereafter to vote at any election for a shire in Scotland, who, when the sheriff proceeds to consider his claim for registration in the present or in any future year, shall have been for a period of not less than six calendar months next previous to the last day of August in the present or the last day of July in the future year, the owner (whether he has made up his titles, or is infeft, or not) of the *dominium utile* of any lands within the said shire, provided the subject or subjects on which he so claims shall be, or be entitled to be, rated in the cess-books of such shire, at the yearly sum of 5*l.* Scots of valued rent or upwards. Provided always, that when any property, which would entitle the owner to be registered and to vote as above, shall come to any person, within the said period of six months, by inheritance, marriage, marriage-settlement, or *mortis causâ* disposition, or by appointment to any place or office, such person shall be entitled to be registered on the first occasion of making up the lists of voters, as hereinafter provided next following such accession or acquisition. Provided always, and be it enacted, that it shall be in the power of the Commissioners of Supply in any shire in Scotland, upon the summary application of the proprietor of any lands, upon which a claim to vote shall be made under this Act, and which shall not be separately valued in the cess-books of such shire, to take an account of the value of the lands upon which such claim is made, and proceed in manner as at present practised in cases of divisions of *cumulo* valuations, and to decide upon the claim so made as aforesaid, and to ascertain the valued rent of the lands upon which the claim is made, upon the evidence and according to the practice usual in cases of divisions of *cumulo* valuations within Scotland." The third clause was framed in the same manner, and went to give the right of voting in respect of houses. The qualification, in the Bill as it stood, was 10*l.*, which was much too low. He had, therefore, fixed the amount at 15*l.*, provided such house be so rated in the books of the Commissioners for the Affairs of Taxes. Such were the Amendments he proposed on the county qualification clause, thinking that they would give the franchise to a most valuable constituency, and the right of voting would be separated as respected land and houses. It was not his intention to press this Amendment to a division; but only to have it inserted on their Lordships' Journals.

The Amendment negatived. The original Amendment (proposed by the Lord Chancellor), and several verbal Amendments on other clauses, agreed to.

On the Clause relating to Shetland and Orkney,

The *Lord Chancellor* stated, that he had turned the objections to this part of the Bill in his mind, but he had been unable to devise any Amendment, though he had no doubt that his noble friend, the Postmaster General, would afford every facility possible to communicate between the two islands. He wished, however, to observe, that the writ from Orkney was, by the present law, returnable at any time within fifty days from the date of its issue.

The Duke of *Buccleugh* asked if the Bill excluded parish schoolmasters from voting?

The *Lord Chancellor* replied, it certainly did not; and those who supposed it did, neither comprehended its language, nor the intention of its authors.

The Earl of *Haddington* had next an Amendment to propose relating to the qualification of Members. The Bill had come up from the other House without any clause establishing such a qualification, either as to counties or boroughs. The Bill originally contained a clause fixing a qualification for both classes; but the qualification for borough Members having been strongly opposed in the other House, was withdrawn; and, at the same time, the attempt to fix a qualification for county Members was, without any reason, in his opinion, withdrawn also. With what consistency, however, could they maintain a qualification for Members in England and Ireland, and, at the same time, declare that there should be none for Scotch Members. If the qualification were good in the one case, it must be of equal value in the other. He was informed, indeed, that the insertion of a clause to establish such a qualification would be an invasion of the privileges of the other House of Parliament, inasmuch as it would be considered a money clause. He, therefore, could not expect that the proposition which he was about to submit should be adopted by their Lordships, and he only moved it with the view of having it entered on their Lordships' Journals. With respect to the qualification for Members of boroughs, he knew that in Scotland great objection existed to it. Persons who opposed the Bill, objected to the borough qualification as a new thing. He, however, was of opinion, that a person who proposed himself as a candidate for a borough, should be obliged to prove that he possessed property to some amount, if not in land, yet in the funds, or lent upon mortgage, or in some other way. What he was about to propose, however, was, a clause compelling county Members to have a qualification in land. In establishing such a qualification, they would act consistently; for though there had never been a qualification in Scotland for borough Members, there had always existed one for the Members for counties. This qualification, too, was the possession of a certain amount of landed property. If, therefore, they adhered to the former practice, in having no qualification for borough Members, they ought, in consistency, to conform to it, by retaining a qualification for county Members. He should, therefore, move, that at the end of the clause relative to the eldest sons of Scotch Peers, the following words be inserted:—"And be it enacted, that from and after the passing of this Act, no person, except the eldest son or heir presumptive of any Peer, shall be eligible to represent any county in Scotland, who shall not be the proprietor of a landed or heritable estate, in some part of Great Britain or Ireland, of the value of 500*l.* a-year, or the heir-apparent of such proprietor."

The Earl of *Roseberry* said, that since the Union, the qualification for Scotch Members had been more *bona fide* than that for English Members, which, in fact, was no qualification at all. In Scotland no person could be elected who was not qualified as an elector. If the qualification proposed by the noble Earl were adopted, the same results would be produced as in England. It would be an illusory qualification, not tending to raise the character of Parliament. Looking at the whole question, he thought it would be better to leave the Bill as it stood.

The Earl of *Camperdown* objected to the Motion, on the same ground as his noble friend, and certainly should oppose it more strenuously if he did not understand that the intention of the noble Earl (the Earl of Haddington) was merely to place his opinions upon the Journals of the House.

The Earl of *Minto* begged to inform his noble friend, that he had represented a Scotch county in which he had not a single acre of land.

The Earl of *Haddington* remembered that fact. He was still of opinion, that it was incumbent on Parliament to take measures that no county or city should be represented by a demagogue, working on the passions of the people.

Amendment negatived.

The Duke of *Hamilton* expressed his regret that the Bill did not contain a clause to exempt the clergy of the Church of Scotland from voting at elections. He feared that by interfering in political matters, their attention would be diverted from those duties which ought exclusively to occupy them; and it would be almost impossible that they should not be brought into collision with some of their parishioners. Parliament would have best consulted the comfort of the clergy themselves, and the benefit of the country at large, by debarring them from the right of voting.

The *Lord Chancellor* had stated, on a former night, what were the reasons which induced him to allow this Bill to pass, without inserting a clause to exempt, not to exclude, that most learned, pious, and excellent body of men, the clergy of the Church of Scotland, from exercising a right which might have the effect of involving them in political discussions. His only reason for not proposing an amendment upon the subject was, that to have done so might have been considered as affixing to the Scotch clergy a sort of stigma; and, from the communications which he had had with members of the body, he was certain that it would have been so considered.

The Earl of *Haddington* next proposed the substitution of another schedule A, for that which stood in the Bill, as follows—"That of the thirty Members hereafter to be returned to Parliament by the shires of Scotland, two shall always be returned by each of the shires enumerated in the schedule A hereunto annexed; one by each of the separate shires, or parts of shires, enumerated and described in schedule B hereunto annexed, and one by each two of the combined shires, or parts of shires, enumerated in schedule C hereunto annexed."

Amendment negatived.

The noble Earl also proposed, that in schedule E, in the fourth district of burghs, consisting of Inverbervie, Montrose, Aberbrothwick, Brechin, and Forfar, Stonehaven be added. As the Bill was originally framed by the Government, this town was placed in this district. Why it was removed he knew not. It was a sea-port, with a flourishing trade, containing between 3,000 and 4,000 inhabitants, whose interests were identified with those of the other burghs composing that district. It would be but justice to both the county of Kincardine and the town of Stonehaven itself, that it should be added to them for the purpose of returning with them one Representative to Parliament. He begged to propose to add Stonehaven to the burghs contained in the fourth district.

Amendment negatived.

The Duke of *Buccleugh* said, that the town of Oban had been inserted in the twelfth district of burghs, without any reason, further than that it was said to be a flourishing and prosperous town. On that ground several other towns—such as Stonehaven—were justly entitled to have that privilege extended to them. He moved that Kilmarnock be taken out of No. 8, and added to the Ayr district.

Amendment negatived.

The Duke of *Buccleugh* moved, that Oban be omitted. It had been very improperly smuggled in.

The Earl of *Roseberry* did not agree with the noble Duke in his view of the relative claims of Stonehaven and Oban. Kincardine, in which Stonehaven was situated, was a very small county; and Stonehaven was more of a county-town than any other in the shire. If it were taken from the county by placing it in a district of burghs, there would then be hardly any constituency left for the county itself. The county of Argyle, in which Oban was situate, was a very large county; so much so, indeed, that it was originally contemplated to dismember it, and annex a portion of it to the Isle of Bute. Oban, too, was a town in an improving state, which was not the case with Stonehaven.

Amendment negatived.

Several other verbal Amendments in the remaining Clauses were made, and the Report agreed to.

Bill to be read a third time.

APPELLATE JURISDICTION—ECCLESIASTICAL COURTS' BILL.] On the Order of the Day for the Third Reading of this Bill being moved,

The Marquess of *Westmeath* opposed the further progress of this Bill, from a conviction that it was not only a useless, and, therefore, a needless, exertion of legislative power, but that it was also highly dissatisfactory to those who understood its nature, and altogether delusive to those who had not studied its details.

The *Lord Chancellor* said, that the Court of Delegates, to which this Bill referred, had certainly been constituted originally by the issue of a mere Commission from the King, under which their juridical and appellate judicial functions were exercised; but it had existed for so long a period, ever since the middle of the sixteenth century, in fact, that the abolition of a Court which had existed for so long a time, demanded somewhat more formality than the mere cessation of the issue of a Commission from the Crown, and for that reason it had been deemed proper that an Act of the Legislature should sanction that act of abolition. It was for this purpose that the Bill was framed.

Lord *Wynford* begged to call the attention of his noble and learned friend on the Woolsack, particularly to one improvement recommended by the Ecclesiastical Commissioners. It was well known that at present Bishops were subjected to great expense and delay in bringing clergymen to account for any misconduct of which they might be guilty, and that, in consequence of such expense and delay, individuals, who were really a disgrace to the church, had been enabled to retain their situation for a length of time. Such cases, he was delighted to say, were very few; but, at the same time, he hoped that the recommendation of the Ecclesiastical Commissioners would be attended to; and that another Court would be constituted for the purpose, which would be productive of less expense and delay than the present.

The Marquess of *Westmeath* said, that as this Bill was not to come into operation until February, there was ample time to prepare a really efficient measure; and he, therefore, saw no advantage to be gained by sending the Bill to the Commons in its present loose and slovenly state.

The *Lord Chancellor* said, that the Bill was neither loose nor slovenly, but, on the contrary, was very ably and carefully drawn, and very efficient for its purpose. It was necessary to pass the Bill now, in order that parties might be spared the expenses to which they would otherwise be subject, and that the Privy Council, by having notice previous to the operation of the Bill, might be enabled to make the necessary preparations for its administration.

Bill read a third time, and passed.

HOUSE OF COMMONS,

Thursday, July 12, 1832.

MINUTES.] Papers ordered. On the Motion of Colonel PERCEVAL, a Return of the Names of the Deputy Lieutenants of Counties in Ireland.—On the Motion of Mr. JOHN WOOD, an Account of the Number of Irish Poor passed to their Homes by the different Counties of England and Wales, and the Expenses incurred thereby for the last seven years.

Bills. Read a second time:—Ecclesiastical Lands Identity; Soldiers' Families.—Read a third time:—Valuation of Lands (Ireland); Roman Catholic Charities.

[A Motion was made that the House be called over. On which the House divided: Ayes 73; Noes 146—Majority 73.]

RUSSIAN-DUTCH LOAN — CONVENTION.] Lord *Althorp* rose, pursuant to notice, to call the attention of the House to the Treaty with the Emperor of Russia, which had been lately laid upon the Table, and he considered that he should best suit the convenience of the House by first stating the grounds on which he should found the Motion with which he was about to conclude. He thought that, by pursuing this course, he should best consult the convenience of the House, as well as place the subject distinctly before it. He had first to endeavour to show the grounds on which Government felt itself justified in entering into the treaty; and secondly, to set forth the grounds on which he hoped the House would see, that the Government would be justified in so doing. He believed the House was generally aware of the circumstances of this case. The House was aware, that in 1815 a treaty had been entered into between the king of the Netherlands, England, and Russia, and that, previously, a treaty had been concluded between Great Britain and the king of the Netherlands, to take upon themselves the payment of a certain portion of a loan due from the emperor of Russia. It was not now necessary to enter into that question—to inquire whether this arrangement was right or wrong; it was sufficient to consider if the treaty was binding in equity and honour upon this country. The agreement concluded was, that the Netherlands and Great Britain should undertake to pay the interest of a loan due from the emperor of Russia, at five per cent, together with a Sinking Fund of one per cent, until the whole loan was extinguished. In case of the separation between Belgium and Holland, it was provided that the obligation of the king of the Netherlands and Great Britain ceased. This was the letter of the treaty. The separation had taken place. The question was, if it were such as was contemplated by the treaty, and if this country was absolved, in justice and honour, from paying its portion of the debt. He thought not. The separation was not such a separation as was contemplated by the Treaty, which was exclusively one effected by foreign force. This, he maintained, was quite clear; and knowing the object of the parties at the time, and knowing that the apprehension was of an invasion from France—he was sure that nothing was in the contemplation of the contracting parties but an invasion from a foreign Power. This was his interpretation of the treaty, and this was confirmed by the secret articles, one of which went so far as to suppose an enemy actually in the country for one year, and to provide that, after this period, the arrangements for the loan should go on as before. What was then the state of the case as to the separation between Belgium and Holland? The object of the arrangements respecting this loan was, to give Russia an interest opposed to the separation. Russia, however, had now concurred in the separation; but she had done so in consequence of the expressed wishes of this country, and not in opposition to her wishes. Would it then, he asked, be consistent with equity or honour, that this country should urge the having complied with her own wishes as a reason why she should not perform the contract to which she had been pledged. Would it now be just or honourable for Great Britain to stand upon the letter of the contract, and deprive Russia of the fair advantages of the contract, because it had complied with the wishes she had urged? This was so contrary to the honour, and so disgraceful to the character of the country, that he could not believe any Member of Parliament would be disposed to look upon this matter, affecting as it did the affairs of a great country, in a different light from that in which he himself regarded it. He said, Great Britain was bound to make this payment to Russia. Circumstances had occurred which rendered it desirable to make an alteration in the literal wording of the treaty; but there was no alteration in the substance of the engagement, and none in the honourable obligation by which we were bound. With the views which he had already stated, the present treaty had been entered into. It bore date immediately after it was signed in London—that was to say, immediately after the separation between Belgium and Holland; but he need not tell the House it did not come into operation until after the ratifications had been entered into and exchanged; and of course it could not be ratified until after Russia had acknowledged the separation between Belgium and Holland; that was, until the separation had been finally acknowledged by the five great Powers. Until this period, the separation could not be considered as valid, and the ratifications could not be exchanged; but, as soon as they were exchanged, Government laid them on the Table, and now Government came to the House of Commons to enable it to perform the engagements it had undertaken in this treaty. He wished, remembering the remarks of the hon. member for Honiton at the last discussion, to impress upon the House, that the separation was not concluded nor complete until Russia had given her consent. He had now stated the circumstances in which the country was placed, and he really did not know how anybody who wished the national faith to be maintained could object to the course pursued by Government. The Government wished to act upon the Treaty. He did not apprehend that any Gentleman would take advantage of the literal wording of the Treaty, and wish not to act according to its spirit and true intention. It was, therefore, very difficult for him to argue the question, not knowing the opposition which would be offered to it. The hon. and learned Gentleman opposite might take a more legal view of the question than himself, but they were to look at it in a Statesman-like manner, and consider it according to the honour and character of the country. He thought no man could argue, that in equity we should not be guilty of a breach of faith to Russia if we should refuse this payment. These were the grounds on which he hoped the House would authorise the Government to complete the contract which the House had long before sanctioned. He observed, that the right hon. Gentleman (Mr. Herries) had given notice of a motion which was in substance the same with that he had brought forward before. But he apprehended that the best mode for him to pursue would be, not to enter into that question until after the motion had been made; when he would be ready to go into it. He wished only to remark, that the case of agreeing to the treaty, and making the payment last Christmas, stood upon very different grounds. He was extremely anxious that the House of Commons should not decide that the engagement with Russia should not be kept; he was more anxious upon this point than he was respecting their decision regarding the threatened vote of censure on the Administration; both, it was said, equally involved the existence of the Ministry, but the latter likewise affected the honour of the country, and the good faith of England. In moving, accordingly, that the House resolve itself into Committee on this subject, he would not enter upon any other question till he had heard the statement of the hon. Gentleman opposite. The noble Lord concluded by moving for a Committee of the whole House to take into consideration the Convention with Russia, regarding the Russian-Dutch Loan, made on the 16th November, 1831, and laid on the Table, June 27, 1832.

Mr. *Herries* agreed with the noble Lord in the distinction which he had properly made between the two branches of this important subject, and he should so far follow the example of the noble Lord as to keep the two views of it entirely distinct. Upon this point, the observations of the noble Lord were but an anticipation of what he himself had intended to say. Following, then, the example of the noble Lord, he should at once address himself to that part of the question which stood first in order for consideration. He wished however, before he adduced his reasons for proposing his Resolutions, and before he stated the grounds upon which he called for the concurrence of the House, to express his very great surprise that the noble Lord did not feel it incumbent upon him to offer spontaneously to the House those explanations to which the House was entitled, and which he knew were expected by the House and by the country. The publication of treaties and other documents involved the Government in such inconsistencies as required even more than explanations. The discrepancies were so great between the treaties and the declarations of Ministers, that he did not see how they could be reconciled. With this impression upon his mind, he could not but express his surprise that the noble Lord should come down to that House, and introduce this most important question, without a word of explanation as to the Convention, or of the discrepancies which were so manifest between the terms of the Convention and the arguments which had been made use of by Ministers. This question had been already discussed in that House, but then it was discussed in the absence of very material evidence, and the subsequent publication of that evidence showed how erroneously the House had acted. True it was, that the House so decided, but it was by a very small majority; and, now that the inconsistencies were discovered, it was the more astonishing that the noble Lord should call upon the House to agree to his Motion, without thinking it worth while to offer a word of apology or explanation on the part of Government. It was not his desire to interfere with any by-gone decision of the House. Indeed he must say, that, after what had passed upon another occasion, he had no desire to try the question upon which a decision had been pronounced. At the same time, however, he must declare, that that decision had left upon his mind a most painful impression. He did not wish to revive the discussion which preceded that decision, but so fully did he feel the justice of the position he had taken—so entirely convinced was he of the accuracy of the statement he had made—so conclusive and unanswerable did the arguments appear to his mind with which he had supported that statement and those facts—and so weak and futile were the arguments with which his motion had been opposed, in fact so perfect a nullity were they, that—and he said it with all respect—the decision which the majority then present had come to excited in his mind the deepest disappointment and regret for the reputation of this House. But the course he was now pursuing was not to revive a question which had been already settled. New facts had been made known, and of such importance were those facts, so strong did they bear upon the case, that he verily believed, had they been before the House at the period of the last discussion, it would have been utterly impossible for a majority to come to the decision then adopted. He would not complain of the noble Lord having only lightly touched upon a point which he conceived to be of the utmost importance, but he would supply the deficiency left by the noble Lord. The noble Lord had touched very lightly upon the question of the application of the public money of the country by the Treasury, without the authority of the Legislature, but he (Mr. Herries) regarded that as a question of the greatest consequence. Whether it was regarded in a constitutional point of view, or as interfering with the rights or duties of that House as the guardians and protectors of the public purse, it was equally important. It was also important as it concerned the character of the Government and of those who composed the Government. From these considerations, then, that branch of the subject ought not to be passed lightly over, but it ought to be inquired into narrowly and fully. It was, therefore, upon these grounds, the magnitude of the transaction itself, and the constitutional questions involved, that he felt it his duty to lay before the House the grounds upon which he should propose the Resolutions with which he should conclude. In doing this, he felt it would be necessary for him to intrude somewhat upon the patience of the House, but he entreated its indulgence. He must recal to the memory of the House the history of the transaction. He would do so as distinctly and as perspicuously, and, at the same time, as briefly as he could, but still, from the nature of the case, he feared he must occupy a considerable time. On the 26th of January, the House would recollect, a solemn discussion on this subject took place. The question then mooted was this—whether or not the Treasury was legally authorised by the Convention then known to the House to exist, to continue the payment of certain monies to Russia on account of the Russian-Dutch Loan. Upon a division it appeared that there were 229 Members present who were of opinion that the Government had no such authority, and there were 249 Members who held that it had. It must be remembered, however, that that 249 included those whose conduct was on trial and he really believed that it was felt in that House, and throughout the country, that had such not been the case, a very different result would have been arrived at. Such was the opinion of that House, and of the country, upon the statements then before them; but he repeated, that he was convinced that had the facts been known which had since been published, and to which he should presently advert, that even in appearance the conduct of the Government must have been condemned. The noble Lord had referred to only one treaty, but it was essential to a full understanding of the case to look at that treaty out of which the one referred to by the noble Lord had sprung. The first treaty preceded that referred to by the noble Lord, and it was signed on the 13th day of August, 1814, between England and Holland, no other Power being a party to it. That treaty was, in fact, in substance, and in reality, a settlement of accounts between Holland and England. Holland agreed to concede to England certain possessions (the Cape of Good Hope, Essequibo, Demarara, and Surinam) for a certain sum of money, to be paid by England, upon three specific accounts. By the first stipulation, England was to pay to Sweden, on account of Holland, the sum of 1,000,000*l.*; by the second stipulation, England was to pay certain sums, *pari passu* with Holland, for the erection of fortifications in Belgium for the protection of Holland; and by the third stipulation, England agreed to bear, equally with Holland, such further charges as might be necessary for the further protection of Holland, the part of such charges to be borne by England not exceeding 3,000,000*l.* Such was the substance of the first treaty. Some eight months after that treaty was agreed to, which bound this country to the payment of specific sums, for specific purposes, an arrangement was made between Holland and Russia, and Holland called upon England to fulfil her Treaty of the 13th of August, 1814. England agreed to do so, and accordingly undertook to pay to Russia certain sums. But England did not do that without expressly referring to the stipulations of the original treaty, out of which the second treaty sprung. And the framers of the treaties, keeping consistency in view, and acting with consistency, were not content merely to limit the purposes to which the money might be applied, but they expressly pointed out the cases in which its payment should cease. They did not merely say the money might be paid in such and such cases, but they went further, and said, that it should be payable for this particular purpose, and, when it could not be paid for that object, the payment should cease. Such was the article in the treaty, and it was made still more distinct by the introduction of two other articles. At the period when the treaty was formed, these two articles were held secret. They were now so no longer. The noble Lord relied upon them as justifying his view of the case; and this he did by taking an interpretation of them in which the terms could never bear him out. The first article provided, that in the event of the Belgian provinces passing from the dominion of the king of Holland, the charge on Great Britain should cease; and the second supposed the occupation of an enemy for a time, and provided that, after his departure the old arrangements should take effect. Now, certainly, he thought the noble Lord called for too much when he asked the House to interpret these articles contrary to the distinct and obvious meaning. In proof of this he would quote a canon from the "Law of Nations," which adverted to such interpretations as the noble Lord would fain affix to such simple passages. Vattel, in speaking of the interpretations of treaties, commences with this great and fundamental maxim:—"The first general maxim of interpretation is, that it is not permitted to interpret what has no need of interpretation. When an act is conceived in clear and precise terms—when the sense is manifest, and leads to nothing absurd—there can be no reason to refuse the sense which this treaty naturally presents. To go elsewhere in search of conjectures, in order to restrain or extinguish it, is to endeavour to elude it. If this dangerous method be once admitted, there will be no act which it will not render useless. Let the brightest light shine on all the parts of a piece, let it be expressed in terms the most clear and determinate; all this shall be of no use, if it be allowed to search for foreign reasons in order to maintain what cannot be formed in the sense it naturally presents." But Vattel was not content with reasoning upon the question himself, but he referred to another authority which fully sustained his own view. [The right hon. Gentleman here quoted a passage from Grotius to the same effect.] Now, if there were any ambiguity in the article, then indeed the noble Lord's suggestion might be admitted; but there was none. It was impossible to read the article, and, having done so, to say that two opinions could be formed respecting the meaning of its words. The House would bear in mind, that he was arguing as to the plain and palpable meaning of the article as it appeared before the world. He was not arguing the other question, as to whether or not there were any other grounds upon which this country was bound in good faith to continue the payment. What he contended for was, that neither the Treasury nor the Government had a legal power under the treaty to make the payment it had made to Russia. When this question was last discussed, the lapse of the treaty, the separation of Belgium from Holland, the House would bear in mind, had actually occurred. The Government not only acknowledged that to be the fact, but it appeared that it had taken the opinion of the law officers of the Crown upon the point. Those hon. and learned Gentlemen had contended, that the Government was just as much authorised to continue the payment as if no separation had occurred. To that argument, however, the new Convention made no reference. "It is, indeed, unnecessary (continued the right hon. Gentleman) that I should remind the House, that the Ministers, throughout the late debate on this subject, maintained their position on this distinct admission —that the separation between the two countries had taken place. It is true that there was one tendency to a difference of opinion on that occasion; but it seemed only to be thrown out as a sort of makeweight, and was accompanied with a distinct statement, that it was not thereby intended to dissent from the general proposition which I have just mentioned. The order in which the occurrences took place, upon which I found the Motion I am about to make, is this:—in July, 1813, the law officers of the Crown were called on to state their first opinion, whether, the separation between Belgium and Holland being completed, the Treasury was armed with power to issue a sum of money on account of the Russian Dutch Loan? And the law officers gave it as their opinion, that the Treasury did possess such power. We have, however, recently learned, by a document which has been laid on the Table of the House, that for months after the expression of that opinion, and when the period for another payment was not far distant, a new Convention was signed between Great Britain and Russia. I beg particularly to call the attention of the House to the preamble of that Convention. It states—'Their Majesties the King of the United 'Kingdom of Great Britain and Ireland, 'and the emperor of all the Russias, con'sidering that the events which have oc'curred in the united kingdom of the 'Netherlands, since the year 1830, have 'rendered it necessary that the Courts of 'Great Britain and Russia should examine 'the stipulations of their Convention of the '19th of May, 1815, as well as of the 'additional article annexed thereto;—'considering that such examination has 'led the two high contracting parties to the 'conclusion, that complete agreement does 'not exist between the letter and the 'spirit of that Convention, when regarded 'in connexion with the circumstances 'which have attended the separation that 'has taken place between the two principal 'divisions of the united kingdom of the 'Netherlands.' The document then proceeds to recite the object of the convention; but I shall avoid that part of the subject now, because on that rests the chief merit of the Convention; and I mean boldly and at once to assert, that the document does not contain a true averment of that merit. The first article of the Convention then goes on to state, 'In 'virtue of the considerations above spe'cified, his Britannic Majesty engages to 'recommend to his Parliament to enable 'him to undertake to continue, on his 'part, the payments stipulated in the 'Convention of the 19th May, 1815, ac'cording to the mode, and until the com'pletion of the sum fixed for Great Britain 'in the said Convention.' The noble Lord, in his speech this evening, laid some emphasis on the argument, that the Convention was nothing till it was ratified by both parties. Though not so learned in these things as the noble Lord, I am quite aware that the stipulations of a Convention are not effective till the convention is ratified; but I also know, that the truths on which a treaty in its preamble affects to set out ought to be unchangeable. I for one am quite ready to believe that truth is eternal; and, if the British Government declares that such and such facts have taken place, no appeal to the non-ratification of Russia can alter those facts. Besides, let me here observe, that when this treaty went to Russia to be ratified, it was ratified; and, therefore, it would hardly now do to rely on the previous non-ratification. We are now at stage the second of the proceedings: it is now solemnly recorded, that on the 16th of November, 1831, the great contracting Powers came to the conclusion that a separation had taken place between Holland and Belgium, and that an agreement did not exist between the letter and the spirit of the former Convention. But there are some other facts to which I must call the attention of the House. In the latter end of December, in order to perfect it by the beginning of January, the Commissioners of the Treasury directed another payment to be made, their declaration of the letter and spirit of the treaty being different, *non obstante*. And here, let me observe, a new feature presents itself in the transaction, of the greatest importance. The Lords of the Treasury felt themselves enabled to make this payment, no doubt, on the opinion given by the law officers of the Crown, although the Ministers themselves had expressed an exactly contrary opinion in the Convention which I have just read to the House. But another process was necessary besides the mere direction of the Lords of the Treasury. It was necessary to draw on the Exchequer for the money to be disbursed. On this the principal officer of the Exchequer (Lord Grenville)—than whom, I will venture to say, none knows better how to discharge his duty, or is more deeply conversant with the law on the subject—tells the Treasury, 'I cannot pay this money, the Act of Parliament making the treaty subject to a condition. That condition has occurred—it is notorious to all the world. It was announced in the Speech from the Throne, that there was an independent sovereign of Belgium, and that consequently that country had passed from under the dominion of Holland; for which reason this money cannot be payable.' The way in which the Auditor of the Exchequer was at length prevailed on to pay this money, is a matter of no little consequence in our consideration of the question. He submitted that he could not pay the money, unless others, in a higher situation than himself, would take the responsibility, and likewise obtain the opinion of the law officers of the Crown. It appears, from what has subsequently taken place in this House, that the Ministers, under this difficulty, once more applied to the law officers of the Crown, and on the 24th of January obtained their opinion on the admission that the separation between the two countries had taken place; that opinion was, that under the law as it then stood, the Auditor of the Exchequer was authorised (and, if authorised, of course bound) to pay the money required. The Auditor in consequence wrote a letter, which, in my opinion, was highly becoming his character and station, in which he submitted himself under those circumstances, to the direction of the Lords of the Treasury; but, at the same time, took care to make it understood, that the payment was not in accordance with his own opinion. On this occurs the question—is it possible that the law officers of the Crown, when giving this last opinion, could have seen this new Convention, and read its preamble, which I have already stated to the House? I do not hesitate at once to ask the hon. and learned Gentleman, whether, in giving this opinion, he was aware that his Majesty's Ministers had solemnly declared, that an agreement did not exist between the letter and the spirit of the former Convention? There is also another part of the question which has been kept entirely in the dark. I should like to know whether the negotiators on the part of Russia were put in possession of the other part of the story? I should like to know whether, when they agreed that the Government should submit this question to the reconsideration of the Parliament, they were aware that the Ministers were already in possession of the highest legal authorities that such reconsideration was altogether unnecessary? I am sure that, if the Russian negotiators had been aware of this, they would at once have said—"No; by those legal opinions you are bound to pay us; and, therefore, we will not consent to any parliamentary proceeding on the subject." But I proceed with the further facts of the case. Two days after this occurrence followed the debate in this House. In the whole course of that debate, the Government took one broad, plain, standard course of argument. They admitted the whole of the facts. They at once said, 'The separation has taken place; but we, nevertheless, contend, that we were right in issuing the money;" and the principal ground relied on for this argument was the expressed opinion of the law officers of the Crown. But the House cannot help recollecting, that in the whole of that discussion, not one word was said about a new Convention; there was not a syllable of a hint of such a thing. It has, however, been talked of abundantly since; but then we have been carefully reminded that, at such and such a time, it was not ratified. It was not, however, until after that debate that we were told, that a new Convention would be necessary: if Ministers wished to deal ingenuously with the House, why did they not tell us so at once? And, if they had told us so, does any man doubt that the House would have called for a suspension of the proceedings until the new Convention was laid on the Table. I confidently ask the House, whether the impression made on their minds by the line of argument adopted during that debate, was not such as I have described? If it were necessary to adduce any further proof of this, the observations which fell from the noble Lord, the Secretary of State for Foreign Affairs, would be quite sufficient for the purpose. The noble Lord said on that occasion, 'Even on the 'separation argument, on which the right 'hon. Gentleman had rung the changes 'that evening, he contended, that Russia 'was entitled to a continuation of the 'payments. Had this separation been 'proved? Was it a matter of indisputable fact? * * It was not clear 'to him that the king of Holland had, 'even as yet, admitted that any separation 'had taken place. He did not put that 'forward as a part of his case, but merely 'to show the haste with which hon. Gentlemen came to their conclusions.'* On this statement of the noble Lord, I mean to contend—"

Viscount *Palmerston* observed, that the right hon. Gentleman was reading the observations which had fallen from him on a former occasion, from reports which might be more or less accurate. At all events, the right hon. Gentleman was not correctly stating what he (Lord Palmerston) had said. He was sure, that all who heard him would recollect that his argument was this; that, *quoad* Russia, the separation had not taken place, because Russia had not ratified the treaty, by which only the separation could be legally admitted by her. Therefore, in arguing for Russia, he (Lord Palmerston) admitted, that although, in point of fact, a separation had taken place—yet that, as far as Russia was concerned, we had no right to assume her cognizant of it. He certainly asked further, whether the right hon. Gentleman could say, that the king of the Netherlands had recognized the separation.

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* Hansard (third series) vol. ix. p. 966.

Mr. *Herries:* Notwithstanding what has just fallen from the noble Lord, I must say, that my recollection coincides with that which I have just read to the House, as a report of the noble Lord's speech; and I remember that my reply turned on the points that are here attributed to the noble Lord. I am, therefore, content to refer to the recollection of the House upon the subject. But, after all, let the matter be which way it will, it comes to this—that the noble Lord laid great stress on the fact, that the consent of the king of the Netherlands was necessary to the completion of the bargain. It has, I know, been argued, that the separation, though completed by an act of Great Britain, was not completed by an act of Russia; and that, therefore, though we were bound to the separation, Russia was not. But surely this argument places the Ministers in a state of no little inconsistency. They had before urged that the Convention was founded on this doctrine—that the emperor of Russia was bound, by the spirit of his engagement, to follow the policy and wishes of the King of Great Britain; and where, therefore, would they lead us by this other doctrine? On the one hand they say, that the emperor of Russia is bound to accede to the separation; and on the other they tell us, that because he has not acceded to the separation, he is entitled to the payment of this money. I do trust, however, that the House will never consent to put the payment of public money on such a frivolous and unsound pretence. If this argument is to do as a justification, we may as well in future have no argument at all; for I really think that this is worse than none. If I may use a vulgar phrase, it is something like "Heads, I win; tails, you lose!" It was, however, shortly after this that the truth began to ooze out. The noble Lord, in answer to a question from the hon. member for Worcester, stated to the House, that a new Convention, in point of form, would be required. In point of form!—I beg the House to mark—that was the phrase of the noble Lord. In answer to that statement, my hon. and learned friend, who now sits near me, rose for the purpose of pointing out the inconsistency of the Government, and observed—"Then you will want a new Act of Parliament. You have been doing that which is illegal, and you will want an Act of Indemnity!" "Oh, no!" said the noble Lord; and he seemed quite surprised at my hon. and learned friend venturing to make such a supposition. And, when further pressed on the subject, the noble Lord remarked—"I said nothing about the necessity of an Act of Parliament. I only said, that the actual separation of Belgium from Holland had so altered the relative position of the contracting parties, that a new Convention, in point of form, was necessary." Here, then, again the noble Lord led the House to believe that an Act of Parliament would be unnecessary, and at the very time, too, when he had a treaty, signed for three months, in his pocket, which bound him to come to Parliament for an Act, and which recognized the fact, that the King of Great Britain could not proceed without so coming to Parliament. After this intimation had been again conveyed to us, that no Act of Parliament would be necessary, the subject remained in abeyance from the beginning of February till the beginning of June; and then, at length, the secret was fully divulged to the House. Then, at length, we were told that a new Convention was in progress; and this important fact was added—that till the Convention was laid before the House, and Parliament had sanctioned it, the further payments on account of the Russian-Dutch loan would be suspended. In the propriety of that suspension I most entirely concur; but why the Ministers did not pursue the same course in January, is a matter which they still have to explain to the House. They still have to show why the principle which applies to the payments in July, did not also apply to the payment in January. It is fitting that I should state that we have other documents, connected with this subject, lying on the Table of the House. The agents for the Russian loan called on the Government, in May last, to make good the payment due from them in regular course on the 1st of July. To this the proper officer replied, "I am commanded by the Lords of the Treasury to acquaint you, that a new Convention has been entered into with the emperor of Russia, consequent on the change in the circumstances of the case, relative to the payment, on the part of Great Britain, of her portion of the loan. Should the Parliament consider that this Convention ought to be acted on, and its ratification duly arrive from Russia, the payment will be made as usual; but, until the sanction of the Parliament has been obtained, the Government has no authority to make the payment." In the terms of this letter I quite agree; but what I wish to do is, to contrast this very proper letter with their former acquiescence to pay; nay, not only with their acquiescence, but with the actual compulsion on the Auditor of the Exchequer to make him pay. Let us recollect, also, that this convention was actually two months old when the fulminatory decree was issued to the Auditor of the Exchequer; and, although it may be said that, though signed, it was not ratified, neither was it ratified in this other instance; so that, as far as that goes, the facts of the case are precisely the same. In the course of this Debate, we must never lose sight of the fact, that it is the conduct of the Ministers in January last that is really under our consideration; and I therefore entreat the House to read these documents, and then decide whether the doctrine they have now propounded is not a complete condemnation of what they did in January last. I do not know by what subtlety of argument these facts can be stated differently. I most sincerely believe that I have laid them before the House in a plain and straight-forward manner; and I do not see how the Government is to avoid that conclusion to which every unprejudiced mind must come. With these facts before us, and with this new evidence proceeding from the Government itself, I call on the House to reconsider that judgment which it formerly gave in the absence of these facts, though at that very moment they were all in the pockets of the Ministers. The effect of the resolutions which I shall take the liberty of putting in your hand, Sir, will be, to repeat in substance what I asserted, on the former occasion, respecting the facts which render the first Convention null and void, and, in addition thereto, to refer the House to that knowledge of facts which have since been revealed to Parliament, and, once more, to call on the House to pronounce its judgment on the payment that was made in January last. I can assure the House, that I should not again have come forward on this subject, but for the deep sense which I have of the obligation which rests on me, of obtaining the solemn judgment of the House on the facts of the case, as they now appear to the public. It is this sense of obligation which makes me ask the Parliament, whether we are entirely to sink this, which I can call by no other name than a flagrant transgression of duty on the part of the Government? It is this sense of obligation which makes me ask the House, whether they think that our honour, as the guardians of the public purse—that our character, as regards the due protection of the interests of the nation, are of less importance than the question of any issue of money, whatever may be its amount? If, indeed, they do think so, all I can say is, that I feel bound by my duty—humbly, but most decidedly—to differ entirely from them. If there are any grounds to justify the conduct of the Government in this infraction of the law, I shall be glad to hear them; if policy has required them to abstain from suspending the payment of this interest, let them make out that case of policy, and ask for an indemnity for what they have done; but, if the indemnity be warranted upon a consideration of all the particulars of this transaction, I must confess that it seems to me that such an indemnity is wanted. I feel confident that those who voted with me on the former occasion, which, I beg leave to observe, was not a division of a party, so many hon. Members, quite independent of any party, joining with me in the division—I say, that I feel confident, that those who voted with me on that occasion, must, *a fortiori*, vote with me now, strengthened as the circumstances have been by what has since come to our knowledge. I have now discharged my duty, in stating this question fairly for the consideration of the House. I call now on hon. Members opposite, to support me in the Motion I shall submit, and in that manner to vindicate the principles they have so often professed. I ask them whether they will sanction the application of public money by the Government, not only unjustified by law, but contrary to all law; and not only contrary to law, but, as it seems to me, opposed to all sound considerations of policy? The Resolution which I shall move, is an amendment on that proposed by the noble Lord, and is to the following effect:—"That it appears to this House, that the payment made by the Commissioners of the Treasury, on account of the interest due by Russia on the loan made by Holland in January last, when the obligation and authority to make any such payment, had, according to the terms of the Convention of 1815, and the Act of Parliament founded thereon, closed and determined; and also when a new Convention, not then communicated to this House, had been entered into, recognizing the necessity of recurring to Parliament for the power of continuing such payment under the circumstances attending the separation that had taken it out of the case of the Convention, was an application of money not warranted by law."

Dr. *Lushington* said, though I have listened to the right hon. Gentleman with great attention, I have experienced no small degree of astonishment at the length at which he has found himself enabled to address the House, on a question that has been before so completely exhausted. In doing so, he has exhibited no little industry in the digest he has made of arguments previously delivered—a digest, which only the interest he takes in the subject, and the ability he possesses, would have enabled him to frame. But I am of opinion that this question has been once before substantially decided, and that, if the circumstances which have occurred since could have been the subject of our previous deliberation, those circumstances would rather confirm the opinion we formerly expressed, than produce any alteration in our recorded sentiments. I think the question resolves itself into two points. The first is, whether or not, according to the faith of treaties which Great Britain has entered into with Russia, we are bound to pay the sums stipulated in the Treaty of 1815, and whether we are compelled to do so according to the true construction of that treaty? or, on the other hand, whether such a change has taken place in the relations of the great Powers of Europe, such an alteration in the state of nations as being contemplated by the parties, was, according to the true intent and purpose of those parties, such a change that the payments should cease when those occurrences took place? That is an important question; but there is another, which has chiefly occupied the attention of the right hon. Gentleman; namely, whether, according to the letter of the treaty, and the Act of Parliament founded thereon, the Government could make this payment without acting contrary to law? I am prepared to contend, that according to the true construction of that treaty, the payment was fully warranted. Previously, however, to going into the argument, I beg to take the opportunity of stating, that I have no disposition whatever to construe a treaty more favourably for Russia than the strictest rules of construction would warrant. I am no admirer of the policy of that nation. On the contrary, when I look to the course of her policy since 1815, and to the conduct she has pursued and the violation of Treaties of which she has been guilty, especially with regard to Poland, I entertain anything but a feeling of favour towards her, and if there were any power in Europe which I would hold to the letter of the law, Russia should be that power. But whatever I think of the policy of Russia, however I deprecate the tyranny with which she has exercised the power that she possessed, I never will condescend, to gratify the detestation I feel of her political conduct, to violate the Treaties which Great Britain has made with her, and thus to put a stain upon the honour of the British name. Under any temptation, however strong, under any provocation, however great, if the Government of this country, either from dislike to the policy of their predecessors, or from indignation at the conduct of any European state, should ever, from the honourable wish to lead that state into a better system for the peace of Europe and the happiness of mankind; if ever, I say, even under these circumstances, the Government should be for a moment led to violate the sacred faith of treaties, there is no man, be his foresight what it may, who can tell the evils that may ensue, for they are buried in the womb of time, and, when you least expect them, will rise up to afflict you with their worst persecution. You are sure to suffer the consequences of your violation of faith, and the powers of the world, remembering your disregard of former obligations, will shun entering into treaties with you; and, whatever may be the necessity that may oppress you, they will refuse to coalesce with you for any purposes of common advantage. The treaty, the construction of which we are now discussing, was entered into some years ago; it is not for me to go now into the policy of that measure, to canvass its wisdom, or to cast a stain on the memory of the Marquess of Londonderry. I will go further, and say, that if, with their view of the interests of England, and the necessities of Europe, the Ministers of that day entered into a contract, whatever may be my opinion of that contract, I consider that the faith of Great Britain is pledged by it. My sentiments upon this subject must be very strong, in holding that such a contract is binding upon this Government, when I recollect, that at the time they expressed the same sentiments with myself, as to the policy then pursued. I know, too, Sir, that at this time they are interested in diminishing as much as possible, the burthens of the people; they wish to do so—a wish which ought to be the first consideration of all Ministers, both with respect to their own feelings, and with regard to their popularity with the nation at large; but at the same time they feel, and I have no doubt that after a full discussion of the matter this House will agree with them, that this is an obligation which Russia has a right to enforce, and which Great Britain is bound to fulfil. What are the circumstances under which this obligation was contracted? Russia had at that time rendered important services to this country. At a period when the contest with Bonaparte was still doubtful, Russia had at our desire, engaged in it; and we considered ourselves obliged to Russia for the part she had then taken, and we undertook to pay a portion of the interest of a debt she had then contracted. We made that interest part of the burthen we then took upon ourselves, in consideration of what Russia had previously done; for it was a mistake to say that we were to pay for what Russia was about to do—it was for what she had done; we had received the consideration, and we undertook to pay the interest of Russia's debt to Holland, as a compensation for past services. At the same time, we imposed upon Russia the conditions for our own benefit, which remain to be considered. I may refer to that treaty to show, that under the hands of the Ministers of that day, the obligations we owed to Russia were acknowledged, and that the stipulations they made were made in consequence of those obligations. What are the words of that treaty? 'His Majesty the King of the 'Netherlands, being desirous, upon the 'final re-union of the Belgic Provinces 'with Holland to render to the Allied 'Powers who were parties to the Treaty 'concluded at Chaumont, on the 1st of 'March, 1814, a suitable return for the 'heavy expense incurred by them in de'livering the said territories from the 'power of the enemy.' No man can doubt what was the meaning of those words, "the power of the enemy," or who was the enemy alluded to. The whole Treaty was framed with regard to France, which was then deemed the enemy against whose encroachments it was proper to guard. 'And the said Powers having in 'consideration of arrangements made with 'each other mutually agreed to waive 'their several pretensions under this head 'in favour of his Majesty the emperor of 'all the Russias,'* the king of the Netherlands proceeded to execute the Convention. Russia had before that time borrowed a sum of money which she had raised in Holland, and by the stipulations of this treaty, the consideration for which was recognised in the manner I have above stated, it was agreed that one-half of that sum of money should be borne by the kingdom of the Netherlands, and the other half by the King of Great Britain. The most important article of that treaty is the fifth, which is in the following words;—'It is hereby understood and 'agreed, that the said payments on the 'part of their Majesties the king of the 'Netherlands, and the King of Great Bri'tain as aforesaid, shall cease and deter'mine, should the possession and sove'reignty of the Belgic Provinces at any 'time pass or be severed from the domin'ions of his Majesty the King of the 'Netherlands previous to the complete 'liquidation of the same.'† In the first place, I ask what is the nature of that stipulation? Is it not a stipulation in favour of Russia? Was it not then thought the most desirable object of the policy of Great Britain to secure the intervention of Russia against the separation of Holland, which, in the policy of that day, was considered the great bulwark against the power of France? It is a matter for consideration whether this stipulation was for the advantage of Russia, or in compliance with the policy on which Great Britain then acted. It was then considered a matter of impossibility that Great Britain could ever consent to a separation of Belgium from Holland. Circumstances have now changed; Great Britain has assisted in separating the two countries; and that brings us to the second point. Can any man contend that, if I make a stipulation upon the existence and the supposed continuance of a given set of circumstances, and I myself afterwards assist in altering those circumstances that I am no longer bound by that stipulation? Put the question in another way. If Great Britain had excited the revolution in Belgium, would it not have been utter folly in us to say to Russia, "You have entered into a condition for our benefit—we have prevented you from fulfilling that condition, and we have thus freed ourselves from performing the stipulations into which we entered with you?" It is true that this has not been done by Great Britain; then how did that revolution take place? By the resistance of the Belgians proceeding *sua sponte* against the rule of Holland—by their resistance to the power and the control of that kingdom — by their own energy and resolution; and by these alone have they achieved their own independence. How, then, does the obligation stand as between Russia and Great Britain? Under these circumstances what is Great Britain to do? Is she to act upon her former policy, and to call upon Russia to resist, by force, the separation of the two countries? Is she to say to Russia, "You are bound, by the terms of this treaty, to march an army for the purpose of effecting the reduction of Belgium under Holland, and I call upon you to do so?" Or has she not already said, "I will not call on you to fulfil the condition which was made on my behalf, and in the furtherance of my then policy; for my policy is now changed, the circumstances of the world are changed, the situation of Europe is different, and that which I once believed was for the peace and happiness of Europe, I now believe, if again put into operation, would deluge the world with blood: and it must be for the advantage of Europe that Belgium should remain an independent power, notwithstanding the fear we once entertained that she would under such circumstances, become the dependant of France. I beg you, therefore, to hold your hand; I am about to make a treaty guaranteeing the separation of Belgium and Holland, and I trust that you will become a contracting party in this treaty." Has not Great Britain held this language to Russia and has not Russia acted on it? With what sense of honour then—with what sense of the sacredness of obligations, can it be argued that it is consistent with the dignity of Great Britain to refuse the payment of this loan? Can we tell Russia that she has acquiesced in our wishes—that she has consented to our earnest request—and that, for that acquiescence and that consent, we shall mulct her in the sum of 1,800,000*l.* Had we done so, we should have incurred eternal disgrace, eternal dishonour, and I should have been prepared to hear the right hon. Gentleman get up in his place, with arguments which no sophistry could evade, and with a strength which truth would give him, to upbraid the Ministers, not only for not treading in the footsteps of their predecessors, but for being politicians of so faithless a cast that the most sacred obligations were by them treated with contempt. The right hon. Gentleman has quoted Vattel; but I must take the liberty of telling him, that if he has read that great writer with no better profit than he seems to have done on this occasion, he has read to very little purpose; for the first and cardinal rule which Vattel lays down for the construction of treaties, is the intention of the parties who made them; and that, where it is necessary to apply rules for the interpretation of a treaty—as it is impossible that a treaty, like another contract may not require interpretation—that you must look to the circumstances under which it was made, and the relationship which the different contracting parties bore to each other at that period. That is the true authority. If another rule of construction were adopted, the result would be, that, by the adherence to the letter, the spirit of the engagement would be violated; and, instead of relying on the fair, liberal, and upright mode of construction being applied to a treaty, all diplomatic men would be wasting their time in attempting to provide for future contingencies—an attempt which would baffle the ability of the most foreseeing statesman that ever lived.

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* Hansard, vol. xxxi. p. 714.

† Ibid. p. 716.

But, says the right hon. Gentleman, "look at the additional treaty which is now on the Table of the House, and you will find that the true meaning of the former Treaty was a separation *de facto*." I happen to hold that additional article in my hand, and the perusal of it satisfies me, that the true intent and meaning of the parties was what I have stated; to prevent any mistake or any misunderstanding, it is stipulated on the part of Russia, that no temporary occupation, no invasion for a short period, should affect the payment of the loan; nothing but an entire conquest, and a possession not likely to be defeated, should deprive Russia of her right. That article speaks distinctly of "invasion by an enemy," and it was supposed that there might be an invasion by France, so suddenly effected, that Belgium would fall before it was possible for any State in Europe to come to her assistance. In that case, to provide against the supposition that the payment of the loan should cease, the article I have read was added. The construction of all these articles I maintain to be that which I have stated. Then we come to the Act of Parliament. I maintain that no construction has been put on that Act of Parliament which is not fully warranted by the words of the Act, and the terms of the treaty on which it is founded; and that the law officers of the Crown were bound to advise his Majesty's Ministers, that, under that Act, the payment of the money ought to be continued. But it is said here, that there is a subsequent treaty, and that the law officers of the Crown acted as if that treaty was not under their consideration. The right hon. Gentleman has little conception of the manner in which the law officers of the Crown have to perform their duty, when he makes such an observation. If any of these law officers of the Crown had been asked for his construction of the Act of Parliament, he would not do his duty if he allowed his opinion to be changed by anything that the Government had done since that Act was passed. But I must inform the right hon. Gentleman of a fact of which he seems to be ignorant, namely, that the opinions of the law officers of the Crown were not only those of the Attorney and Solicitor General, but of his Majesty's Advocate General, whose ability to decide on such questions no one will doubt, and of whose perfect independence all must be thoroughly convinced. There is no consideration whatever of the particular policy of a Government, on one side or the other, that could shake or in the least degree alter the opinion which that learned gentleman would form; and, in saying this, I beg it to be remembered that I am speaking of an individual whose political opinions are certainly not in favour of the existing Government. It is then said that the Government had repudiated the Treaty of 1815 by that of 1831. What are the words of this latter treaty? 'Their 'Majesties the King of the United Kingdom of Great Britain and Ireland, and 'the emperor of all the Russias, considering that the events which have occurred 'in the united kingdom of the Netherlands since the year 1830, have rendered 'it necessary that the Courts of Great 'Britain and Russia should examine the 'stipulations of their Convention of the '19th of May, 1815, as well as of the additional article annexed thereto; considering that such examination has led 'the two high contracting parties to the 'conclusion, that complete agreement does 'not exist between the letter and the spirit 'of that Convention, when regarded in 'connexion with the circumstances which 'have attended the separation that has 'taken place between the two principal 'divisions of the united kingdom of the 'Netherlands; but that, on referring to the 'object of the above-mentioned Convention of the 19th of May, 1815, it appears 'that that object was to afford to Great 'Britain a guarantee that Russia would, 'on all questions concerning Belgium, 'identify her policy with that which the 'Court of London had deemed the best 'adapted for the maintenance of a just 'balance of power in Europe; and, on the 'other hand, to secure to Russia the 'payment of a portion of her old Dutch 'debt, in consideration of the general arrangements of the Congress of Vienna, to 'which she had given her adhesion—arrangements which remain in full force.' Does not this paper show that the objects of Great Britain are the same, though those objects are to be accomplished by different means? I consider the treaty now laid upon the Table as in fact providing, by a different method, for the attainment of the same end—namely, the preservation of the peace of Europe—which it was formerly thought could only be obtained by uniting Belgium and Holland as a barrier to the power of France, and which it is now seen is best to be accomplished by allowing one of these countries to be independent of the other. But then, says the right hon. Gentleman—"You have not made the payment in June, as you made it in January, and that shows that you do not think yourselves bound to continue the payment." The difference is occasioned by this circumstance:—A new Treaty has since been ratified between these two parties, and all future payments will be made under that treaty, and must, consequently, be made after the sanction of the House. But then the right hon. Gentleman may say—why enter into such a treaty if you thought yourselves justified under the terms of the former? Why, for this reason; that circumstances have changed, and that the Ministry, foreseeing they might have to deal with the mind of a statesman of such extraordinary discrimination as that of the right hon. Gentleman, might think proper to prepare for such an event; and then to call on the House to give, by their sanction to this treaty, their approval of the construction of that which had preceded it. The right hon. Gentleman says, that his Majesty's Ministers were not authorised by the Act to make those payments; but if he will consult the Act again, he will find that a true interpretation of its terms does justify them. The people of England are too good a people, too honourable and well-principled a people, to desire that his Majesty's Government should relieve them from a payment which prior stipulations had unfortunately fixed upon them, and from which they could only be relieved at the expense of the dignity of the Crown and of the national honour. The right hon. Gentleman opposite (Mr. Herries), in the course of his speech, endeavoured to raise prejudice in the opinion of their constituents, at the next election, against those Members who support the proposition of the noble Lord, the Chancellor of the Exchequer; and, with consummate address, he called upon Gentlemen around him to resist that proposition, under the pretence of guarding the money of the people. But, Sir, the people will see through this flimsy, vain pretence. They will look rather to the persevering exertions in which the public lives of those Gentlemen, and their friends, have been passed, to diminish extravagance, than to the vain professions of their opponents of a desire to lessen expense. The right hon. Gentleman has appealed to those Members, who, although generally supporting the measures of his Majesty's Government, voted against the payment of this loan, when the question was last before the House; and he has called upon them to maintain their constituency by now voting upon this Amendment. But, Sir, those hon. Members will, I trust consider the altered circumstances under which the question now comes before us. They will look to the additional treaty which has since been entered into, and to the secret articles, and they will find that these confirm the views which I have taken, and that they would be almost traitors to their constituents if they voted with the right hon. member for Harwich. I have now, Sir, gone over, according to my feeble powers as an advocate, the leading circumstances of this case, by which I conceive his Majesty's Ministers to be justified in the course which they have adopted; and I trust that they have demonstrated to every candid mind, that they could be interpreted so as to warrant the cessation of this payment, only by a wilful misconstruction [*order*]. If hon. Gentlemen will allow me to finish my sentence without interruption, they will find that I am not out of order, and that I cast imputations upon no one.

Mr. *Herries* would not have interrupted the hon. and learned Gentleman, but that he had, in the earlier part of his speech, used very unparliamentary language in reference to him.

Dr. *Lushington* would give any reasonable satisfaction to any hon. Member who might suppose that he had intended to offend him. He did not think that the language which he had used, in reference to the arguments of the right hon. Gentleman, was unparliamentary or offensive. For his part, he only meant to say, that the arguments were sophistical and ingenious.

Mr. *Herries:* Wilful misconstruction.

Dr. *Lushington* would still say, that, in his opinion, nothing short of the words misconstruction and perverted ingenuity could be applied to the arguments upon which the opposition to the present Motion was supported. He had a right to say, that the arguments of the right hon. member for Harwich were the offspring of perverted ingenuity; if he had not a right to say so, then there was an end to freedom of debate in that House. He would not occupy the time of the House further, and would only repeat, that the construction which his Majesty's Ministers had put upon the Treaty of 1815 was the only sound one, and the only one consistent with the honour and the dignity of the country.

Mr. *Baring* felt himself compelled to say, that a more complete misrepresentation of a case had never come from any Gentleman who in his presence had ever addressed the House. In putting the question, the object of his right hon. friend had been, to separate two questions perfectly distinct in their nature, whilst the object of the hon. and learned Gentleman was, either to confound those questions, or to keep the most essential of them entirely out of sight. The point to consider was, whether the Government had or had not transgressed the law of the country, and not whether the new Treaty were a justifiable treaty or not. He thought it quite sufficient if the House would attend to the more important question, whether the Ministers of the Crown had or had not transgressed the law in making the last payment to the emperor of Russia. The real question the hon. and learned Gentleman had scarcely touched upon, and the case remained still to be answered from the other side of the House. They had heard a most eloquent, fluent, and pleasing speech concerning the general subject, a very pleasing declamation, but all the essential points of the case it had left untouched. The question before the House was, whether what the Lords of the Treasury had declared in their letter of their Secretary, that until the treaty had received the sanction of Parliament, the Government had no authority whatever to make the payment, was not as true in last January as it was now. The question was, did or did not the treaty exist, in precisely the same state, when the payment was made in January, as it was in now that Ministers had refused to make the payment? If the payment was not justified when Mr. Pemberton wrote his letter, the payment which had been made was obviously unjustifiable. The case was so strong—the violation of the law was so obvious—and, in his opinion, so unquestionable—that he was surprised that a man of the noble Lord's (Lord Althorp's) character for manliness and candour, did not come down at once, straightly and honestly, to ask for a Bill of Indemnity. He was surprised that, in a case of so much importance, the noble Lord did not come down to the House to say, that although the Ministers were compelled to pay the money, yet they thought the precedent so dangerous, that they would call upon the House to give them a Bill of Indemnity. That was the course which, in his judgment, would have become the noble Lord's character; and he was therefore, surprised to see the noble Lord, instead of adopting such a course, come down and say to his friends in that House, that if they did not support him in his proposition that night, he must go out of office. The noble Lord must have felt himself pushed hard for arguments to convince his friends of the justice of his case, when he thought it necessary to address them in that way. The hon. and learned Gentleman, who showed himself—not, as he said, a feeble advocate, but, in fact, a very zealous and ingenious advocate of the Ministers—did as all professional gentlemen do in advocating a week cause, suppressed all the facts which were adverse to his clients. But the hon. and learned Gentleman did not lose the opportunity of addressing part of his speech to the Tower Hamlets. Yet he did not think that any Gentleman in that House would be deterred from doing his duty by an apprehension of the attacks which might hereafter be made upon him at the hustings. Nothing could be more base in any Member of that House, if he thought the honour of the country pledged to the payment of the money, than to resist the payment out of fear of anything that might be said on the hustings. Even if the case were doubtful, it was the duty of the country to make the payment, whatever might be its amount. At the distance of eighteen years, the House must content itself in looking at the plain obvious words of the treaty, and not to regard private letters and private understandings between persons not now in that House to give any explanation. He would not depend on the vague insinuations thrown out, of something that might have passed, and he considered all such insinuations as mere attempts to veil the giving away of the money. Those who called on the House to sanction the payment told them, that they could not be put into possession of materials to enable them to judge of the propriety of that payment. It was the duty of every individual to be able to state to his constituents why he had voted away the public money; but at present, in this case, all that a Member could say to his constituents would be, that he had voted away the money because some justification had been insinuated, and which the House had been obliged to take upon trust. Not a word was there in the treaties which could justify what the hon. and learned Gentleman had said respecting the invasion of Belgium by France. It was impossible to have made a more complete misrepresentation of the facts of the case than the learned Gentleman had made. He had likewise been completely mistaken with respect to the origin of the loans. The loans were contracted as far back as the reign of the Empress Catherine, for the purpose of subjugating Poland. If the money had been applied even against this country itself, it could have been no reason for its not fulfilling its engagement. The hon. and learned Gentleman (Dr. Lushington) had misrepresented the treaty. It contained no mention of France. It arose out of circumstances in which only the three Powers—England, Russia, and Holland—were concerned. England was indebted to Holland, and the latter was indebted to Russia. At the close of the war, the Government of England, wishing to retain the Dutch colonies, the Cape of Good Hope, Essequibo, Demerara, and Berbice, of which we had obtained possession during the war, induced Holland to cede those colonies to her, upon the payment of certain sums of money, which were afterwards to be determined by Commissioners of the respective Governments. Now, Holland being indebted to the emperor of Russia 50,000,000 of florins, which was the proportion of the expenses of the war assessed upon the former state, as one of the lesser Powers, it was agreed that England should pay to Russia the money that was due to Holland by this country, as the purchase of the colonies; this condition being annexed, that the payments should cease if Belgium should be separated from Holland. The reason of the condition was obvious—it was only because Holland possessed the large territory including the Dutch and Belgian provinces, that she was subjected, by the assessment, to so heavy a tax; and it would be unjust that, when she ceased to possess the means of paying the impost, it should continue to be exacted from her. The words of the treaty were simply, that 'the payment 'shall cease and determine, should the 'possession and sovereignty of the Belgic 'provinces at any time pass away, or be 'severed, from the dominions of the king 'of the Netherlands, previous to the complete liquidation of the same.' If it were really the sole purpose of the contracting parties, to guard against the aggression of France, the treaty would have said so; but the most comprehensive terms had been used to express their meaning, that the payments should only be made whilst the king of Holland possessed the extended territory, and should cease and determine when that territory became diminished by the sovereignty and possession of Belgium passing away in any manner from his dominion. Those provinces had passed away from his dominion, and he had, accordingly, ceased to make the payments. Why, then, had we continued them? We really owed nothing to Russia: we had been paying a debt for Holland to Russia, and we were under no liability from which Holland was exempt. If there was any justice in the world, it must be acknowledged that, if the money be now due to any party by us, it was to Holland we owed it. The plainest common sense would point out that the king of Holland, being the party who gave to England the equivalent for the money which we undertook to pay for him to Russia, had a double right to be made a party to the continued payment, and to be consulted as to what was to be done with the money, now that Russia's claim to it, under the treaty, had clearly terminated. He did not mean to say, that the claim of Holland upon this country was not terminated at the same time. It could not now be said to us that we must not have the colonies and the money too; for we bought the colonies from a party who sold them upon a political contingency, which had turned against him; and, by the very conditions of the sale, his right to demand a further payment no longer existed. All he meant to say was, that if the money was still due, to whom, then, in honour and feeling, was it due, but to Holland? He (Mr. Baring) had been this morning very much struck by a passage which was pointed out to him in a report of the speech delivered at a dinner yesterday by the noble Lord at the head of his Majesty's Government. He knew that the accuracy of newspaper reports was not to be relied on; but as the paper from which he was about to quote was known to be favourable to his Majesty's present Government, it would not be supposed that the reporter had intentionally misrepresented Lord Grey. He (Mr. Baring) knew, from what he had heard from the gentleman who pointed out the speech to his notice, that the expressions of the noble Earl had given rise to very great alarm. The noble Earl was reported to have said, after some common-places, that "he hoped that all the united blessings of peace and liberty would fall upon the city of London. Still he would not hide from the meeting, that there never was a time in which it was more important, that the people of England should assume a firm and imposing attitude. There were many questions of foreign policy, of first-rate importance, still undecided." Now, if such expressions had fallen from any young man, in the heat of debate, or in the excitement of a public meeting, he should not have been surprised; but when a person of the high character and known discretion of Lord Grey spoke in that way, he looked upon the words as conveying a very important meaning. When he coupled that with the fact that the Lord Privy Seal had lately been sent to Petersburgh—nobody knew for what—he could not imagine, that the people were called upon to assume an imposing attitude to overawe the opponents of the Ministers. He was quite sure that Earl Grey would not use language so offensive. It seemed to him, therefore, that those expressions could only refer to the Belgian question. It was too much that the House should be called on to sanction a new treaty with Russia, for the payment of the debt which had now ceased to be owing, at the moment when the head of the Government thought it necessary to call upon the people of England to assume a firm and imposing attitude, respecting "questions of foreign policy of first-rate importance, and still undecided." At least, under such circumstances, the House should first be informed of the actual state of our relations with the two Powers—Holland and Russia—who were parties to the former treaty. By the stipulations of that treaty, our obligations to continue the payment had terminated, and the Ministers had made out no case to show that it ought to be renewed.

Colonel *Davies* said, although he was determined to oppose every improper expenditure of the public money, he could not give his support to the Resolutions which had been moved by the right hon. member for Harwich, as an Amendment to the proposition of the noble Lord, the Chancellor of the Exchequer. The treaty into which the Ministers had found it necessary to enter, since they made the first payment to Russia, after the separation of Belgium from Holland, showed that they did not feel themselves justified in having made that payment. He must protest against that doctrine laid down by the Chancellor of the Exchequer, by which he affirmed, that if a vote of censure were pronounced against the Government, or any impediment thrown in the way of any liquidation of that debt, that then the inevitable consequence must be the resignation of that Government. He really conceived it impossible to broach any doctrine more incapable of being rationally maintained; and he must say, that he did not think that the noble Lord was fairly dealing with the House, in using such means for procuring their consent to the positions for which the noble Lord and his friends were contending. He was sure that his noble friend would be the last man to think of bullying the House; but, though without any such intention, the maintenance of doctrines of that kind certainly was marked by such a tendency—nothing could look more like it. It by no means followed, in these times, as a matter of necessity that Ministers were to go out because they occasionally found themselves in a minority. He had no doubt that, in a reformed Parliament, they would often find themselves in a minority. There had been much ingenious debating in the course of that evening, and considerable efforts had been made, to embarrass and mystify the question before them; but, divested of its legal subtilties, it was a question which a child might answer, and no one could answer it otherwise than by declaring that the payments must cease and determine so soon as the two countries became separated. But there was another question—was it right, or prudent, or just, in the present condition of the revenue, to think of continuing such a payment? and was it consistent in a Government composed of men who, out of office, were constantly declaiming against extravagance, to set an example themselves of such wanton and gratuitous waste of public money? And, last of all, was there any consistency to be found in the conduct of a Government so acting, when the most eloquent speech delivered against these payments, at the time the question was first mooted, was the speech delivered by Lord Grey himself?

Mr. *Macaulay* said, that as he could hope to add nothing to the unanswerable and admirable speech of his noble friend, he should only occupy the attention of the House for a few minutes, for such, he was sure, was the effect of that persuasive and convincing statement, that it was almost unnecessary for any one else to make the slightest attempt to augment the force of his arguments, or to add to their number. He could have wished that the conduct to be pursued by the gallant Officer, who had last addressed the House, were to be the direct reverse to that he had announced himself it would be, and that, on the vote of censure upon the Government, he should vote against them; and in that respecting the violation of national faith, he should be with them. It was of little importance by whom the affairs of the country were administered, but it was of the deepest moment that the national honour should be preserved inviolate. Considering, that upon this subject hung the national faith and honour of England, he confessed it did in the highest degree astonish him, that hon. Members should think of introducing topics which had not the slightest relation to such a subject. If we were bound by the solemn obligations of a mutual compact, of what importance to us was the general conduct of the Monarch with whom that compact might have been contracted? Were we at full liberty to enter into as many treaties as we please with all the Monarchs of the world, and yet keep faith only with those who proved to be merciful, liberal, and constitutional rulers? We entered into treaties with the Burmese and Siamese governments, and were we to require of them that they should conform their respective principles of government to that which we conceived might be suitable and becoming as between them and their subjects?

Colonel *Davies:* No, no.

Mr. *Macaulay* resumed: The only argument on that side of the House was the necessity of keeping faith; and how had the hon. and gallant Member met that argument? Why, the hon. and gallant Member talked as if we paid tribute to Russia, at the moment it was attacking Poland. On what ground else did he speak of economy? To exercise economy in a case of this description, the payment must be optional, for he had not yet heard anybody rise in the House and say, that economy was to be preserved at the expense of national honour. If the common-sense interpretation of the treaty called upon this country for its execution, the hon. and gallant Member might as well call upon them to economize by a reduction of the Three per Cents, or a non-payment of Exchequer Bills. The question which they were then engaged in debating, naturally divided itself into two parts. The first was, whether or not the country was bound, by the most obvious principles of public faith, to continue these payments; secondly, did Government act illegally in continuing them without obtaining a new Act of Parliament for the purpose? All the hon. Members who spoke upon the other side, professed to pursue the object of keeping these questions perfectly distinct; and yet it strangely enough happened, that there was not one amongst them who did not mix both these topics; and that confusion of those questions was strikingly conspicuous where Vattel was referred to. Referring to the Treaty of 1815, he must admit, that if they examined the letter of that treaty, they would find, that the proviso had arisen, and that we were absolved from the payment of the debt. Yes, according to the letter of the treaty we were absolved. According to the letter we might be absolved; but were they now to be told for the first time, that the foreign policy of this great and renowned country was to be governed by such pettifogging rules of construction as were enunciated from the other side? Principles such as those were never meant in any age, or country, to be applied to the construction of compacts affecting the peace or the fate of nations. Reference, for the purposes of present argument, had been made to the opinions of jurists; but he knew enough of jurists to know, that they were the most convenient authorities that could in any case be referred to for the purposes of such a debate as the present. In the early ages of the Church the Fathers were frequently quoted, and many of them so frequently to serve opposite ends, that it became a proverb, that you might apply to the Fathers and obtain their authority in support of either side of almost any question. If they adopted the rule of literal construction, there must be an end of all that had heretofore been considered the faith of treaties. Hon. Members on the other side had spoken much and emphatically of the authorities which they had quoted in support of their respective opinions; but he would call their attention to one authority which few amongst them would be disposed to dispute—he meant the authority of the Duke of Wellington. One of the great conventions to which he was a party bore date in the same year with that which they were then discussing. It related to the entrance of the Allied Armies into Paris in the year 1815. By that Convention it was strictly stipulated, that all public property, other than military stores, should be respected; and it was further agreed, that if any doubt should arise respecting the construction of any part of that Convention, it should be construed favourably to the city of Paris, yet all the pictures of the Louvre were removed. The people of France held up the letter of the treaty, and insisted that the works of art, of which Napoleon had despoiled the nations of Europe, should still remain within the French capital; but they were restored to their original possessors, and the British nation and all Europe approved the act, for it was understood at the time of signing the Convention, that the pictures at the Louvre were to be restored. There was an understanding that an exception had been made in respect of them particularly. He was aware it might be alleged that the rules of construction required, that when any exception whatever was specified, none other could be introduced or added; but let the House only look to the circumstances of 1815—look to that very Convention in which the Duke of Wellington himself was concerned. The treaties entered into at the period when what was called the Settlement of Europe had been effected, were directed to objects which could not from their very nature, be long maintained; but was the pecuniary part of those treaties to be therefore set at nought by a people calling themselves free, liberal, and enlightened? The treaties of that period could certainly accomplish no object of a permanent kind, for these Governments thought but of other Governments, and nothing of the nations. In all their partitions they looked to making up compact states—they looked to nothing beyond the convenient frontiers which an acquaintance with the state supplied—they attended not to the national characters, habits, feelings, religion, morals of the several nations whose fates they presumed to decide; and what better proof could be supplied of that than that very plausible but hollow union of Holland and Belgium? But though, in those various points of policy, England had failed, that failure, so far from furnishing an argument in support of breach of pecuniary faith, had quite an opposite tendency. He said nothing of the policy of that union, but it was a great and primary object of the then Ministry of this country to form it, and it would be an eternal disgrace to the present Ministers, who differed as to that measure if they refused to fulfil the stipulations of their predecessors. It was well known, that Russia was averse from the union between Holland and Belgium; and as a means of reconciling the Court of St. Petersburg, the payment of the Russian debt due in Holland was guaranteed by England [*cries of* "*no*"]. He certainly understood, and believed he could show from good authority, that Russia was opposed to that union—it was stated at the time—he could show it had been recorded—it had been stated in that House, that, in 1815, Russia was averse from the union; the Treaty was concluded under that view, and with the express object and intention of inducing Russia to accede to it; and, in order to prevent Russia having an interest in disturbing that union, the payments were made to depend upon its continuance. The period fixed for the determination of those payments was the dissolution of the union, not because there was any natural connexion between the two, but because it was from Russia that danger was chiefly apprehended. If looked at in that view, the treaty was intelligible: in any other it had no meaning. The hon. member for Thetford said, that these payments were due, not to Russia but to Holland, and that England could only contemplate paying them as long as Holland had the ability to pay her share to Russia. But, if that were the contingency of our payments, it might have been as well made to depend on the fall of the next meteoric stone, or the drying up of the Mediterranean. If the principle were that Russia should not receive the money in consequence of a separation which she could not prevent, or that England should be exonerated from the payment in consequence of a separation which she had promoted, the treaty in which such a principle was embodied would be the most extraordinary that ever was made. If he understood the spirit of those treaties rightly, it was, that if there were the slightest reason to believe that Russia, by direct or indirect means, had produced a separation between Holland and Belgium—if she had been inclined to lag behind, and to make no exertion to prevent it—if she had favoured that separation—if she had thrown any obstruction in the way of any efforts we might have been inclined to make for the purpose of preventing that separation—then the circumstances contemplated by the proviso had arisen, and we were relieved from the payment of the money. But was that the present state of affairs? Was it not notorious, that since 1815 the two countries had, so to speak, interchanged their parts with reference to this question. In 1815 we were for the union and Russia was against it; in 1831 Russia was decidedly opposed to the separation. He would not say that England either caused, or was desirous of, that separation. He did not mean to say, that England desired that the people of Belgium should be discontented with the government of Holland, nor that the Belgians should have risen against the king of Holland. He did say, however, that while the king of Holland continued to be, virtually, the king of that country, hostilities took place; the resistance of the Belgians was successful; and Belgium was separated, to be again united, in all probability, by the European Powers only. England was desirous that the separation should be recognized, and it became necessary that the new independent state of Belgium should be invited to enter into the great European family. In the mean time, the circumstances of Russia had changed in a directly opposite direction. In the first place, as every Gentleman knew, a matrimonial alliance had, since 1815, very closely united the Courts of Petersburg and the House of Orange; but, above all, they could not help feeling, that the circumstances under which the Belgian revolution took place, were such as could not be contemplated with pleasure by a government, distinguished by its jealousy of all popular institutions arising out of the people. The forcible expulsion of the troops of the government and the Sovereign, and a democratic council being called to the government of the country, the question between a republic and a hereditary monarchy put to the vote, and a Sovereign invited and elected by the people themselves, on certain constitutional terms—these were the characteristics of the Belgian revolution; and these were things which it could not be supposed the Russian government would contemplate with pleasure. It appeared to him, therefore, that the two countries had entirely changed their former parts; that this recognition was now effected by the great Powers of Europe, and that the independence of the state of Belgium had not been effected in that way which would absolve us from our obligations. It had been effected, not by the interference of Russia, but in conformity with the wishes of England, and in spite of a strong reluctance on the part of Russia. He could not but think, then, that we were still bound to fulfil our obligations. There was a case he would mention to the House, which appeared nearly parallel to the present. He remembered to have read, long ago, in one of the old jurists—he could not recollect where, but it was not necessary to mention the authority, for its great similarity to the present case would carry its own argument along with it—the writer, according to a common practice, as many hon. Gentlemen knew, with the jurists, put a supposed case. There were two States before the invention of fire-arms. Certain circumstances induced one State to agree to pay the other an annual subsidy of 1000 ducats; the other state stipulating in return, that whenever the state paying this money was invaded, they would send to their assistance 1,000 pikemen; and the treaty contained a stipulation that, if this number and the force were not sent within three days after such an invasion, then the payment of the annual subsidy should cease and be discontinued. Fire-arms were subsequently invented, and came into general use; an invasion took place, the party invaded sent to the other state, not for pikemen, but for musqueteers—" For the love of heaven send us some musqueteers;

pikemen are of no use now." A battalion of musqueteers immediately marched to the assistance of the distressed state, and the invasion was repelled. Afterwards, when the subsidy was demanded, the answer was,—"Look to the terms of the treaty; it declares that you shall send 1,000 pikemen, and that, if you do not send such a force, in number and arms, as herein stipulated, payment of our annual subsidy shall thereupon cease." Why, what would be the language of the Power cheated in this way?—Would it not say, "You are taking advantage of your own wrong; circumstances have changed; military tactics have altered; we have conformed to that alteration; by doing so we have saved you, and this is the return you give us for what we have done?" These cases were analogous. In 1815 we were desirous of the union; in 1832 we were desirous to promote a separation; and with what face could the British Ministers stand up and say to the Russians, "You did not frustrate my wishes with respect to Belgium, you did not plunge all Europe in war to support your own views, and I will now take advantage of the separation which I promoted, and which you might have prevented, but did not, in order to evade payments which literally, though not according to the spirit of the treaty, were made to depend upon the continuance of the union." He had no difficulty, then, upon grounds such as these, broadly and roundly to assert, that his Majesty's Government had deserved well of the country, and, therefore, he paid but little attention to the taunts, coming from the other side, about the difficulty that Members might have in facing their constituents, after voting in favour of a continuance of those payments. For his part, he should have no difficulty in defending such a vote before any constituent body in the empire; for the people of England had long shown that they knew and felt there was a fixed identity in the state—that public and private morals were the same—that honesty was the best policy—and they believed that to pay what they owed was the truest economy—that the state could not be guilty of a breach of faith in one instance without bringing suspicion on all its engagements, and thus reducing itself to a situation at once disgraceful and perilous, putting to hazard that peace throughout Europe now happily so long preserved—a peace, in the continuance of which every artisan, every ploughman, every shopkeeper, in the land knew that he was deeply interested; and he need not say, that to preserve peace, public faith must be maintained inviolably. Upon these principles, Members of Parliament might go before the people of England—upon these principles, Members of Parliament might be willing to act, and content to suffer.

Sir *Charles Wetherell* said, his hon. and learned friend who spoke last endeavoured to make it appear that those who opposed him and the hon. Gentlemen opposite on this question were so many pikemen, that they were pettifogging critics, who endeavoured to pick holes in the treaty for the purpose of defeating a just claim. He must, for himself and for those who sat round him, reject that character. His hon. and learned friend complained of the diffuse manner in which the question was discussed on that side of the House. He must, however, retort the charge upon his hon. and learned friend, for he was diffuse where he should be concise, and concise where he ought to have gone more at large into the subject. They were not now discussing the Treaty of 1831. The only point they had to consider was, whether the last payment made to Russia was or was not made conformably to law. To this point the debate was hitherto confined by Gentlemen on his side of the House, and his hon. and learned friend was the victim of his own censure when he complained that they went into the general question. For his part he should confine himself strictly to the point, was it or was it not a payment made according to law? He was decidedly and firmly of opinion that it was not. The debt was not one originally contracted by this country. Holland, at the time of the peace, having ceded the Cape of Good Hope, Essequibo, Demerara, and Berbice, the equivalent given by this country was the constituting of Holland and Belgium into one kingdom, to continue united under the king of the Netherlands, and the payment in money of a certain sum. Russia owed in Holland 10,000,000*l.*, the payment of a part of which, or the interest of it, was guaranteed by this country. The language of the treaty giving this guarantee was, that the payment should cease so soon as the possession and sovereignty of Belgium should cease to be in the king of the Netherlands—so soon as Belgium and Holland should be separated. It was contended on the opposite side that this meant a separation by external war, by the aggression of foreign states. There was nothing in the treaty to bear out such a construction. It was said again that, if literally interpreted, it might be taken to mean every separation, whether the consequence of internal war or otherwise. It was at all events clear that Lord Grenville did not put the same interpretation upon the treaty that Ministers did, for he, as Teller of the Exchequer, refused to make the payment when called upon. The Crown lawyers were therefore consulted, and in a most extraordinary way. While he was one of the law advisers of the Crown no Minister ever attempted to treat him as the Attorney General was treated upon this occasion; for while the noble Lord the Foreign Secretary had the Treaty of 1831 in his pocket, the object and end of which was to make the payment a valid one, he referred it to the law officers of the Crown to determine whether the payment was legal under the Treaty of 1815, never once saying, that he had another treaty in his possession. Had he been treated in this manner he would have told the Foreign Secretary that it was unfair, that it was wrong—he did not mean morally, but politically—to call upon him to give an opinion under the Treaty of 1815, while he kept another concealed in his pocket which entirely altered the complexion of the case. His hon. and learned friend said, he should be ready to defend before his constituents, before the people of England, the vote he should give upon this occasion. He would like to see it; and, if his hon. and learned friend offered himself a candidate for Marylebone, or any other metropolitan district, he would get as near as possible to the hustings to hear him, for if he spoke of Ministers in the language which their conduct merited, he must charge them with the grossest duplicity —he did not say moral, but political duplicity—in thus concealing from the law officers of the Crown a part, and that a most important part, of the case upon which they were consulted. It was a disgrace alike to the Ministers and to the Crown lawyers to be so treated. His hon. and learned friend was not the only person who would have to explain to his constituents his vote upon this question. The Attorney General also must have a *vis-a-vis* with the people of Nottingham about the matter. It might be said, that when the law officers were consulted, the treaty was not ratified, and could not, therefore, be submitted to them. That was no excuse at all, it made no difference in the case, and he did not hesitate to say, that the noble Lord, the Foreign Secretary, did not act with candour and fairness—he did not mean morally, but politically—either towards the emperor of all the Russias in proposing a new treaty, when no new treaty according to himself was necessary, or towards Lord Grenville, who should have been made acquainted with it, or towards the House of Commons, which was kept in the dark. The law officers had still greater reason to complain, for at the time they were consulted Ministers were fully two months in possession of this new treaty. All parties had been the victims of the deception; for why had the noble Lord so studiously forborne all mention of the supplemental treaty, which at last only accidentally found its way from Downing-street to the Table? The noble Lord, the Chancellor of the Exchequer, who he expected would have gone at large into the question, had treated the whole matter as briefly and as slightly as if the question were only on the fitness of imposing a duty of a farthing or halfpenny per gallon upon cyder, perry, or mum. His hon. and learned friend dealt very liberally in expressions of censure. He applied to the Gentlemen on his side of the House the words spoliators, and pettifoggers and pikemen. Now he would try his hand, too, at an expression; and if there were any hon. Gentleman opposite who did not understand it, his hon. and learned friend (Mr. Macaulay), being a professional man, would be able to give them an explanation. The expression he should use was this, "obtaining money under false pretences." It was said, that they attempted by cunning, and trick, and pettifogging to evade the payment of a just demand, to the liquidation of which they were bound by honour and by the faith of treaties, and that they endeavoured to get out of it by picking holes in the treaty. He believed he had shown to the satisfaction of the House, at least to the satisfaction of every candid mind, that the tricks and cunning and concealment were all on the other side, and thus gave his hon. and learned friend meal for his malt. His hon. and learned friend came out with an old domestic adage, that honesty was the best policy. Did he mean it in reference to the concealment of this important document from the House of Commons, from Lord Grenville, from the Crown lawyers? In place of this kind of shuffling and tricky management, and unworthy and dishonest concealment—he did not mean the word morally—why did not the Chancellor of the Exchequer come down to the House openly and fairly, and say, "I think we have done wrong under the letter of the treaty, but not in the spirit of it, and we wish to correct that wrong by another treaty." This would have been fair dealing. His hon. and learned friend, and the hon. Gentleman opposite, set themselves up as preachers of honesty, as moral instructors; but, on this question did they practise what they preached? Had they dealt honestly by the people? No. Had they dealt honestly by the emperor of Russia? No. Had they dealt honestly by Holland? No. Had they dealt honestly by the House? No. Had they dealt honestly even by their own Attorney and Solicitor General? No. Where then was their vaunted virtue; or rather did not everything show that what they called honesty was, in truth, disgraceful diplomatic duplicity? But why introduce into this debate so many topics with which it had nothing to do? The only question was, was the money due by the treaty or was it not? His firm conviction was, that the payment was illegal. Ministers said, that though, on the mere words of the treaty, a doubt might arise, there could be no doubt as to the spirit of it, and that in good faith they were bound to the payment. He was as willing and as zealous to support the honour and good faith of the country as those field-preachers, those promulgators of pure morals, on the opposite side. They boasted of their honesty. He did not mean to deny, that individually and in their private capacity they were honest, but politically, in this matter, their whole conduct was oblique and crooked. No Ministers, not even Buckingham, or any of the *jure divino* Ministers of James, would have dared to pay away money upon the ground of a treaty which, so far as it stipulated the payment of money, was, without the sanction of Parliament, no better than a bit of waste paper. He charged Ministers with a breach both of a treaty and of an Act of Parliament, and should prove that they drew money from the Exchequer under false pretences. Their own Treaty of 1831 was quite sufficient to convict them of duplicity and breach of faith. What said this treaty? He should read it. It was the confession of Ministers, and not a long one. [The hon. and learned Gentleman read a portion of the treaty, in which he said, there was a direct admission that the former treaty did not embrace the case.] He expressed a desire to hear from the noble Lord and his hon. and learned friend, both adepts in diplomacy, whether there was any way to explain the deviation from the letter of the treaty? He knew not what answer the noble Lord and the Attorney General could give to the voters at the next election. They would be told that Government had sanctioned the payment of an instalment of 10,000*l.* to Russia when the letter of a treaty was opposed to that payment. The only defence the Government could make would be, that it was a pettifogging practice to be governed by the letter of a treaty. It was not his intention, like the two hon. and learned Members, to travel out of the case. The hon. member for Ilchester (Dr. Lushington) had been complimented by the hon. member for Calne (Mr. Macaulay), on his unanswerable speech. Unanswerable it certainly was in one sense, since it contained nothing to be answered, and was to his mind the very reverse of convincing, at least on the side it was intended to advocate. The hon. and learned Gentleman had blinked the whole question, which was whether, extrinsic of the treaty, there was a stringent claim for this money upon the honour of Great Britain? But the members for Ilchester and Calne had omitted to advert to those articles of the treaty, which alone were important to the decision, while they had read every other part of it; no part they had read having the smallest bearing upon the true point at issue. The eloquence of those learned Gentlemen might be very amusing—their rhetoric might be very gratifying (and to none more gratifying than to themselves)—their sarcasms might be very keen, and their wit and humour very pointed and pleasant; but it was a mere mockery of argument when they omitted to notice the only important document. He begged to ask whether, under the new reformed system of government, it was part of the duty of Ministers to guard the public purse? Some of the present servants of the Crown were to be candidates for districts of the Tower—an ominous vicinity, where people were sometimes called upon to mount higher than Ministers might like to ascend. What would they say to any demand why they had neglected their duty as guardians of the public purse, and why they had been parties to expulsion from Parliament of the unfortunate boroughmongers, who would fain have saved so much of the public money at a time when it could ill be spared? Ministers might contend that this guardianship of the public purse was an old-fashioned doctrine, not fit for these reformed and enlightened days, but would they succeed in persuading the people that they were right in the course they had pursued? With a view to approaching elections, Ministers had made many popular harangues; they had scattered the largess of language, and of their own sweet-meats abroad; and he (Sir Charles Wetherell) would scatter his bitters as an antidote. The Secretary for Ireland was on the point of starting for Lancashire—the noble Lord (Lord Althorp) was thought certain of winning in his county—the Secretary at War was sure of coming in again for Westminster—and the two law officers of the Crown for Nottingham and Marylebone; so that it was not wonderful that they should endeavour to stand as well as possible with their constituents. They would, however, find it very awkward to reply to the question, why they had been guilty of such a gross dereliction of duty, that even an unreformed and rotten House of Commons had complained of the unnecessary and illegal payment of public money. Whatever merit Ministers might have for reforming the House of Commons, they had the demerit of destroying its usages and its privileges. All the Ministers who had ever held office since the Revolution—all the Tory Ministers—even Mr. Pitt, stiff-backed though he was—had come down to the House when they had trespassed on the law, and demanded a Bill of Indemnity. In this case, the reasons for following the same course were very strong, for the motives of the Ministers, he admitted, were very good; and indemnity would, therefore, have been granted them, and they ought to have applied for it. He approved of the note which had been written by Earl Grey, in which, he said, he could not answer that Parliament would sanction the payment of any instalments; but, that note was a condemnation of the arguments and conduct of the Gentlemen opposite. He declared that he had never known a more flagrant breach of the Statutes than had been committed in this case by the Ministers, and he had never voted with a greater conviction of the correctness of his vote than he should give in his support to the Motion of his right hon. friend.

The *Attorney General* would request the indulgence of the House but for a short time, as he thought that all that could be said on the subject had been already said by his hon. and learned friends. [*hear*]. If that was an admission of which some Gentlemen opposite could take advantage; and if any of them claimed so much superiority of understanding as to find fault with the arguments of his hon. and learned friends, he could but envy them the very good opinion they entertained of themselves. A great part of his hon. and learned friend's speech had referred to his conduct as Attorney General, and that part of his speech which had been most cheered, and was looked upon as most triumphant, was an attack upon him, founded upon a complete ignorance of facts, as he formerly stated. He did not much wonder at this, in a debate crapulous in a double sense—an attempt to countervail by clamour among his own friends the genuine festivities of yesterday, and to serve up a second time the censure prepared on the 26th of January. His learned friend supposed that he had given his opinion after the second treaty was signed; that was a mistake; the opinion he was required to give was upon the Treaty of 1815. That treaty, and the documents connected with it were laid before him. He was not asked anything about that treaty which was in the pocket, or, as his hon. and learned friend said, *in loculo;* for his opinion was asked in June, 1831. What had induced him to form that opinion he had before stated, and that opinion he had before, he hoped, successfully defended. His learned friend had thrown out insinuations of his opinion being formed because it was agreeable to the political views of the Government. If his hon. and learned friend meant to insinuate that he, because he held the office of Attorney General, would be ready to crouch to the Government, and sacrifice his real opinion to their wishes, he would repel the insinuation with disdain. He would tell his hon. and learned friend, that he placed as high a value on his professional and personal character as his hon. and learned friend, and in that respect would shrink from competition with no man living. At the same time, he thought it was the duty of the Attorney General to be on fair and liberal terms with the Government with which he was connected; not like the Attorney General of 1829, to continue in the service of a Government which he declared was subverting the Constitution of the country. The views of the Government were not laid before him, but the treaty was, and according to the large and liberal spirit in which treaties ought to be construed that were to regulate the peace of the world, his opinion had been given. In November following another treaty was signed, and he had no doubt that his noble friend would explain the altered circumstances under which it was necessary to negociate that new treaty. He remembered that it was said on the other side, that they should not go out of the four corners of the treaty to interpret it; but that was not the spirit in which it ought to be construed. Vattel, and other writers on public law, laid down such large and liberal rules for construing treaties, that he was not surprised to hear their authority undervalued by Gentlemen opposite; yet which would the House regard as the most impartial judges—philosophic Jurists, who dispassionately considered by what rules the interests of society would be best maintained, or heated advocates who rushed into the field with the personal feelings of partizans? He would take the liberty of asserting, that he had come to a decision on the meaning of this treaty altogether in the former spirit, and that his decision was exclusively attacked in the latter. Whatever his opinion had been, the adversary would have gladly found it wrong; when he formed it, he could have no motive but that of making it conformable to the truth. It was something to support his opinion, that it coincided with the opinion of the King's Advocate, Sir Herbert Jenner, who properly took the lead in the consultation on a subject much less fit for common lawyers, or *(pace dicam quâ)* for equity lawyers, than for publicists. When Lord Grenville, looking to the Act of Parliament, submitted his doubt to the Lords of the Treasury, he never questioned that, as the Act authorised the fulfilment of the treaty, the Act enabled him to pay, if the treaty bound the Government to do so. He would now add, that if the treaty of November had been laid before the law-officers when called upon, it could not have varied their opinion as to the duty of this country to pay the instalment then due, and to that alone was their attention called. When it was said that the fact of a new treaty being concluded proved the opinion to be erroneous, he thought the lapse of time and circumstances might account for the new treaty. Might not Russia feel some uneasiness as to what Parliament would determine respecting the future payments, and might not that create a necessity for the new Convention? His hon. and learned friend said, the conduct of the Minister was condemned by that Convention, and that their defence was at variance with their own conduct. But what said the Convention? Why thus:—'Their Majesties, the 'King of the United Kingdom of Great Britain and Ireland, and the emperor of all 'the Russias, considering that the events 'which have occurred in the United Kingdom of the Netherlands since the year '1830, have rendered it necessary that 'the Courts of Great Britain and Russia 'should examine the stipulations of their 'Convention of the 19th of May, 1815, as 'well as of the additional Article annexed 'thereto; considering that such examination has led the two high contracting 'parties to the conclusion, that a complete 'agreement does not exist between the 'letter and the spirit of that Convention, 'when regarded in connexion with the 'circumstances which have attended the 'separation which has taken place between the two principal divisions of the 'United Kingdom of the Netherlands, 'but that, on referring to the object of the 'above-mentioned Convention of the 19th 'of May, 1815, it appears that that object 'was, to afford to Great Britain a guarantee 'that Russia would, on all questions concerning Belgium, identify her policy with 'that which the Court of London had 'deemed the best adapted for the maintenance of a just balance of power in 'Europe; and, on the other hand, to 'secure to Russia the payment of an old 'Dutch debt, in consideration of the general 'arrangements of the Congress of Vienna, 'to which she had given her adhesion—'arrangements which remain in full force.' Between that article and the opinion he had given to the Government there was no inconsistency whatever. There was, he admitted, a difference between the letter and the spirit, and, when that was the case, which was to prevail? He had distinctly stated, that, looking at the letter alone, he thought the treaty had ceased to be binding when those occurrences took place in the Netherlands which were alluded to by the Convention; but the question was, whether the letter was the all in all. He considered that the treaty was to be carried into effect according to its spirit, and the intention of the parties. Was there any man that would maintain the contrary? It was necessary for every one who maintained that the treaty was not binding, to enter into the question, whether or not the rule of construction which gave weight to the spirit and intention, rather than to the letter of the treaty, was the proper rule. Assuming that the intention was clearly made out, and that the letter did not go along with the spirit of the treaty, he maintained that the spirit of the treaty ought to be the guide of every statesman's conduct. He protested against the mean —and he would use the expression of his hon. and learned friend, the member for Calne, for it could not be better designated, —the pettifogging idea, that the spirit and intention of a solemn obligation were to be sacrificed, because, by adhering to the letter, we might, with a short-sighted economy, save to the country some few thousands of pounds at a period of admitted distress. His hon. and learned friend, the member for Ilchester, had read a portion of the additional article, which had been laid before the House since the former discussion on this subject, which article, together with the conferences and negotiations which took place at that time, were all legitimate grounds for considering upon what terms, and in what manner, the treaty was to be construed. He knew it was said that treaties were meant to put an end to all doubts upon the subject of them. It was extremely convenient to lay down such rules, and certainly it would be most desirable, in matters of this high import, to employ no language in treaties that could leave them open to any doubt upon their construction: but language so perfect, as to elude the subtlety of parties interested, was still a desideratum both in national and domestic law. In the commonest occurrences of life, plausible objections were perpetually arising from the wording of instruments, and the state of circumstances at the period of contracting, with other contemporary documents, could alone throw clear light on the meaning. Many things, at the time of preparing a treaty, might appear sufficiently intelligible, which subsequent events might render doubtful, and make it become the subject of considerable controversy. The personal interests of the contracting parties, too, might, in the lapse of time, become so changed, that they might be influenced by their new situation in putting a construction on treaties. There might be many reasons in six months why new stipulations became necessary. His hon. and learned friend (Sir Charles Wetherell) had censured his hon. and learned friend, the member for Ilchester, for not quoting the whole of the additional article. He would do that. The hon. and learned Gentleman then read the two sections of the additional article, as follows:—

'In order to prevent any doubts that 'might hereafter arise with respect to 'the meaning and operation of the Fifth 'Article of the Convention this day signed, 'it is understood and agreed between the 'three high contracting parties, that, in 'the event of a part of the Belgic Provinces 'being at any time hereafter severed from 'the dominions of his Belgic Majesty, a 'proportionate reduction only of the charge 'agreed to be borne by their Majesties the 'king of the Netherlands and the King of 'Great Britain, to be calculated according 'to the population of the districts so 'severed, shall thereupon take place; the 'residue of the respective payments con'tinuing to be regularly defrayed, as pro'vided for in the said Convention. It is 'further understood and agreed, that the 'invasion or temporary occupation of the 'said Provinces by an enemy, shall not be 'considered as determining any part of the 'said payments, unless continued beyond 'the period of a year; in which case it shall 'be competent for their said Majesties, 'the king of the Netherlands, and the 'King of Great Britain, to suspend their 'respective payments, subject to account 'with the Government of his Imperial 'Majesty, upon the expulsion or evacua'tion of the said Provinces by the enemy, 'for the whole or such proportion of the 'said arrears as may correspond with the 'state of possession in which his Majesty 'the king of the Netherlands may at such 'period find himself established.' He contended, that these stipulations looked to an enemy, and not to separation from an internal cause, and had not provided for such a separation. It was clear that the severance contemplated was a severance by an enemy. [The hon. and learned Gentleman was here reminded by Sir Robert Peel, that the words in the original were, "passed away from the dominion of Holland."] He had not denied that the words of severance were general, but he contended, that all the legitimate grounds for interpretation proved that the severance, which in fact took place, had never been contemplated. He must repeat his opinion, formerly built on the new feelings of respect for the constituent body which some hon. Members then evinced, that the debate was got up with a view to the approaching elections; and he wished to meet the practical point fairly. The hon. member for Worcester had not flinched from declaring, that it was merely a question of economy. If he (the Attorney General) agreed in that opinion, he would cheerfully support the Motion; but he regarded it as a question of national faith, and the clear obligation of an intelligible treaty. And he would ask the right hon. Gentleman (Sir Robert Peel) which of the two was right. He would ask him distinctly, and he thought the country had a right to his answer, "Would he pay the money, aye or no?" The negative opinion he would ever be ready to contradict and confute: but if, after all the hours consumed in ingenious reasonings, the right hon. Gentleman must be compelled to say that he would pay the money to Rusia, then all the world must plainly see that the right hon. Gentleman admitted that construction which the law officers and the Government had given to the treaty, and dissented from the conclusions of his own friends and allies.

Mr. *Pollock* expressed his regret at the personal turn which the question had taken. He avowed that he was the person who had used, in the last debate upon the question, an expression to which the hon. and learned Gentleman had applied the term "pettifogging." He avowed that he was the person who had used the expression, and he was prepared to vindicate it. The Judges were unanimous on such subjects; and, if to decide according to the letter of the law was pettifogging, he trusted they would continue pettifogging to the end of time. The question, as he understood it, was simply this;—Were the Government justified in making the payment of January, 1832? In order to understand that, he would call their attention a little to dates. On the 10th of November, 1830, Belgium was, *de facto*, separated from Holland, because the States General on that day declared themselves independent. In June, 1831, an opinion was called for from the law officers of the Crown; and they declared that there could not be a doubt as to the liability of this country to continue the payments by the terms of the treaty. If this was the opinion of the law officers, and if there were no misgivings, from whence, then, came the doubts that led to the negotiations for the subsequent Treaty of the 16th of November? If that Convention was of importance enough to be thought necessary for making perfect the former treaty, surely it was also of importance enough to be communicated to the House. The hon. member for Ilchester (Dr. Lushington) had dealt largely on those topics, which were always calculated to draw cheers from the House. He had talked a great deal of the national faith and the national honour, but he (Mr. Pollock) contended that the national faith and honour had nothing to do with the question now before the House; and it was only by mixing them up with that question that the advocates of the Government found a kind of apology for the course that had been pursued. On the 26th of January, after the payment, and after the Auditor of the Exchequer had expressed doubts of its propriety, a debate took place in that House, and he would now take leave to ask the noble Lord (Lord Althorp), why it was, that no mention was made during that debate, of the Convention then in progress? If one word had been uttered respecting that Convention, the Motion would not have been pressed by any Member of that House. But what was the answer of the noble Lord at that time? Why, the noble Lord said, he had no doubt at all with respect to the propriety of the payment; and that the other side had not proved their case. This was the answer then; but, whether the opponents of the Government had or had not proved their case, it was the duty of the Government to have informed the House that a treaty was pending. The Government, however, took any defence that offered trusting, no doubt, that something would turn up in the mean time which might save them from the reckoning which the House had a right to demand from them. He did not mean to say they acted from a bad intention; but there was an indifference to consequences, to the opinions of Parliament, and to the responsibility of their situation, which was highly objectionable. He would ask them, if they found it necessary to have a new Convention to fulfil the treaty, why it was, they acted under the old one; and, if the old one was good, and required no amendment, why it was they required a new one? These were the questions ably put by the right hon. Gentleman (Mr. Herries), and to them no answer had been given. The noble Lord had doubted at one moment, and not doubted at another—paid at one time, and abstained from paying at another; and why did the noble Lord now require an Act of Parliament, except that he had made payments after these doubts existed? No man prized the national faith more highly than he did; but still he thought the conduct of Ministers, on such occasions as this, required a vigilant eye; and he would ask, why it was that, having avowedly committed a great error, they did not require an Act of Indemnity, which would at once mark the departure from propriety, and the necessity of compensating for it, rather than demand an Act of Parliament to confirm the error they had committed? That would have been the course anticipated from the candour of the noble Lord. For his (Mr. Pollock's) part, careless of censure, he should vote for the Resolutions, because he considered them to be moved in support of that course which was most consistent with the principles of the Constitution and the practice of Parliament.

Lord *Althorp*, in reply to the questions of the hon. Member, observed, that he was asked why it was, the Government had not applied for a Bill of Indemnity, rather than an Act of Parliament? His answer was, that they had not come down to ask Parliament for indemnity, because they were not confident that they had committed any breach of the law in the course they pursued. It was asked, why they had made the payment of last December, and asked authority for payment now? His answer was, that the treaty which ratified the separation of Holland and Belgium, had not then received the sanction of the five Powers who were parties to their union. Strong criticisms had been made on his opening speech. He had been criticised by the right hon. Gentleman (Mr. Herries), for not answering the arguments that right hon. Gentleman intended to use; and an hon. and gallant Gentleman (Colonel Davies) had complained of his saying, that a vote of censure on Ministers on this occasion must be followed by their resignation. In the first place, he did not know how he could answer arguments he had not heard; and, in the second, he believed, if he had said that a vote of censure on Ministers with respect to a treaty could be followed by anything but resignation, he should have stated that which would be inconsistent with the practice of office, and the usual course of conduct adopted in Parliament. The hon. and learned Gentleman who spoke last (Mr. Pollock) had treated the question too much like a lawyer, and confined himself too closely to the letter without looking at the spirit of the treaty. That hon. Member had asked, why the Government did not mention the Convention which was in progress during the last debate? His answer was, that the Convention was then an instrument which had no force, and could not be urged as an argument in the questions which were then under consideration. With respect to the treaty itself, there never had been any opinion but one—that this country was, under the circumstances, bound to continue the payments.

Sir *Edward Sugden* said, the noble Lord asked whether this money ought not to be paid; but the Opposition had as yet no materials on which to come to a decision with respect to it. The question, however, at present before the House was, whether or not there had been an infraction of the law. In considering a question of this sort, it was a great mistake to suppose that the words of a treaty were not binding. It was certainly right to look to the intentions of parties making the Treaty, and to find out their intentions, but still those intentions ought to be applied to the words of the Treaty. It might be right to give them a liberal construction, but not to make a construction contrary to the words of the treaty. He agreed with the noble Lord, that the Act of Parliament should be construed by the treaty, but the treaty and the Act must be looked on as a whole; for the Act of Parliament introduced every contingency provided for in the treaty. The treaty embodied in the Act, and the treaty from which it was copied, could not bear different constructions. It ought always to be recollected that we were under no obligations to Russia, even according to the treaties themselves. Holland had claims upon England, which, by a separate convention, she transferred to Russia. In consequence of this separate convention, we undertook to make three payments for the benefit of Holland, the last of which was the payment of this money to Russia to secure the final union of the Belgic provinces with Holland. That such was the origin of these payments to Russia, as far as England was concerned, might be gathered from the preamble of the treaty in which it was declared that Great Britain became a party to it in virtue of her Convention with the king of the Netherlands in 1814. This was the treaty with Russia that imposed the obligation upon us; but this was, also, the treaty which declared that the payments should cease if the Belgic provinces should "pass away, or be severed" from Holland. Hon. Gentlemen opposite seemed to think that a severance by invasion only was contemplated here; but nothing of the sort was stated, any more than anything was said pointing exclusively to France. No man could doubt that France was looked to in this treaty, and her becoming possessed of these provinces, or having been exclusively concerned in their severance from Holland, would have brought about the contingency provided for, just as effectually as it had now been brought about, but not a bit more effectually. With respect to the additional articles, he had never heard anything said upon them more entitled to respect, than what was said by his hon. and learned friend, the member for Boroughbridge, notwithstanding that the Attorney General spoke of his having "presumed" to argue upon the word "severance." The first additional article provided that if a part of the Belgic provinces shall "be severed, or pass away" from Holland, our liability shall be *pro tanto* diminished. The conclusion drawn by his hon. and learned friend as to the meaning which this article gave to the word "severance" had been unanswered, because it was unanswerable. There was one most important part of the case to which hon. Gentlemen opposite had not adverted, and to which, therefore, he must recall the attention of the House. Hon. Gentlemen opposite forgot that Holland was a party to this treaty with Russia—that we entered into it subsidiary to Holland—and that we had new duties to perform towards Holland. He would ask the noble Lord, the Secretary for Foreign Affairs, how he could defend his conduct towards Holland in signing the treaty he recently had signed? The great object of the original treaty—the object for the attainment of which Holland consented to pay this consideration—was the final union of the Low Countries to her. The noble Lord, the Secretary of State for Foreign Affairs, could not defend the conduct of the Government on the ground of national faith, if he observed not the good faith due to Holland in this matter. How was England to excuse herself from the charge of a breach of national faith, in having taken these colonies from Holland on certain conditions, and neglecting to fulfil those conditions? How was it possible to talk of national faith after our treatment of Holland? We undertook to pay a certain sum to Holland for her colonies—Holland transferred the debt to Russia, on condition that the latter Power guaranteed the preservation of the union between Holland and Belgium—a separation took place, and now it was insisted on to pay Russia for consenting to that disunion. Holland now said "Give me the money which you promised to pay for my colonies. The object for which the money was transferred to Russia has not been fulfilled, and we again claim the payment from you." It should be recollected that the sole object of this Convention was to secure the Belgic provinces to Holland; but Government had exercised the power of the country exclusively, for the benefit of Russia, and to the injury of Holland. It was perfectly absurd to attempt to support their conduct by an appeal to any thing like good faith. The noble Lord said, that the only separation contemplated by the framers of the treaty was that occasioned by foreign aggression. He stated that a separation from internal commotion was never contemplated. He then went to the high contracting powers and said, "Here certainly is a separation, tantamount to a separation by a hostile force; but as it was not one, if you let matters remain as they are, we will guarantee those payments which were promised on condition that a separation was prevented." Such were the arguments used: the provisions of the treaty—the provisions of the Act of Parliament—were not regarded. He would challenge any lawyer to take up the Act of Parliament and pledge his professional character to any words in it which would bear the construction put on this treaty. It had been stated in the House that Russia applied to Holland for the payment of her portion of the loan, and that that comparatively weak Power refused, and had continued to refuse payment. On that occasion, he should like to know how Russia addressed this free country. Russia might have said—"You, England, shall continue to pay me, because, although there is an actual severance, yet, as you have, in point of fact, been a party to that severance which you gave me this money to prevent, you shall not escape." England admitted that she had lost the inducement to continue the payments, but yet she would not object to their continuance. He trusted the people of England would bear in mind the circumstances under which these payments were continued. England consented to pay this money with a view to ensure the possession of the Low Countries to Holland, and specially agreed that in case of the severance of Belgium from Holland the payments should cease—England had lost the object she had in view, but still the money was to be paid. It was certainly a most important object to preserve the peace of Europe, but it was by no means clear that we should succeed in that object by the payment of this loan, and, therefore, it was a matter of shame to the country to continue to subsidize Russia, when the object specifically stated in the treaty, for which that subsidy was granted, was no longer attainable—on the contrary, that we should continue to pay that Power to act diametrically opposite to the course we bound her to by treaties. If there were any other conventions or engagements in existence on this subject, they ought to be laid before the House, or, at least, Ministers ought to state that they were of such a nature that they could not be published without detriment to the public service; but it was an insult to Parliament to be called upon to legislate in this way, in utter ignorance—and to be desired to put an entirely new construction upon an old treaty, and a construction, which the framers of the treaty never could have intended. It might be well for the hon. and learned members for Ilchester and Calne, to argue that if Ministers were not acting in direct conformity to the letter of the treaty, they were at least acting in accordance with its spirit, and that if the old treaty were read attentively, with the additional articles, there could be little doubt that no other severance was contemplated than that effected by the power of France. The noble Lord and his friends were entirely wrong in the view they took of this subject, and before long the noble Lord would find himself greatly mistaken with respect to Russia. It could be clearly demonstrated, that the case now occurring was not provided for by the old treaty, but that the object of that treaty was to secure the union of Belgium and Holland, and to take the most secure means to prevent a disunion of any sort. He would appeal to any candid man who had read the provisions of the Convention of 1815, without reference to party considerations, whether he considered that the term "passing away," which was used in conjunction with severance, could be interpreted as a hostile separation. He was at a loss to imagine how hon. Gentlemen would explain and justify their conduct to their constituents, when they would have to vote large sums of the public money for the purposes of the new Convention. He had been a Member latterly for a nomination borough, and he had felt, as a Member for such a borough, a greater responsibility than if he had the largest constituency, as not being answerable to only a class of persons, but to the country at large. He had not local interests to consider, but the public good only. He should like, however, to know how any Member of that House would explain and justify to his constituents his putting this new construction on this treaty, and voting away large sums of the public money for any other object than that for which we were bound. The treaty was this—that England and Holland equally and originally take upon themselves to pay certain sums to Russia, on condition that this Power guarantees that no part of the Belgian provinces shall be severed from the dominions of the House of Orange: it was also stipulated that war between the contracting Powers shall not affect the payments under this treaty, and that even the military occupations of Belgium for one year shall not interfere with the payments. The particular case of severance that occurred was this. A rebellion broke out in these provinces, in consequence of the then recent occurrences in France and this country interfered to prevent Holland from invading Belgium. When the object for which we paid the money was no longer attainable, one should imagine, of course, that the payments would cease: but no such thing—his Majesty's Ministers determined that they should go on. He would defy any hon. Gentleman to point out in the former treaty anything that could bind us to the payment after the separation. Indeed, in what way was Russia bound by the payment of this loan? There was nothing binding on this country. If hon. Gentlemen were to put the Treaty of 1815 and the Convention of 1831 in juxta-position, it would be impossible to come to the conclusion that the latter truly construed the meaning of the former. The construction, it would seem, of the Convention was, that the money should be paid by Great Britain to Russia without qualification, and whether there was a severance or no severance. There might be new grounds for paying this money, and the Convention might have been desirable on that account; but it was being guilty of imposition to say, that it was the legitimate interpretation of the Treaty of 1815, instead of a most obvious departure from it. The Convention under the hand of the noble Lord was in direct contravention of the Treaty of 1815. He was quite sure, that the noble Lord and his colleagues had many moments of compunction before they could make up their minds to agree to these payments. The noble Lord said, that he had done all in his power—that he had referred the case to the law officers of the Crown, and that he had acted in conformity with their advice. Now, was he justified, as a member of the Cabinet—filling a high and responsible situation—and when,according to himself, the spirit, if not the letter, of the treaty obviously sanctioned this convention, to take refuge under this advice? Looking at his conduct, and, at the same time, speaking of him with all the respect that his general conduct entitled him to—he (Sir E. Sugden) considered him guilty of a great inconsistency in these proceedings. There was one other point to which he would refer, which had not hitherto been mooted in the House. It would be recollected that the payments were made in December, 1831, and they were refused in June, 1832, on the ground that the new Convention had not been ratified. There, certainly was some strange inconsistency in this, for the Convention was signed in November, 1831, and the objection to the payment was equally strong in December, 1831, as in June, 1832. The noble Lord said that this Convention could not be ratified till the treaty of separation had been signed by the five great Powers. This made the case worse than it was before, and showed a greater impropriety in paying the money in the former instance. As a matter of common decency, the Government should have applied for a Bill of Indemnity in this case. Indeed, the conduct of the Government throughout the whole of these proceedings had been most singular. The noble Lord and his colleagues, with a view to induce the House to sanction their conduct before the papers were laid on the Table, rested their defence on particular grounds—the House supported them in their views by a small majority; but, immediately after this, the new Convention was produced, and their defence was rested not only on a different ground, but on one in direct opposition to that on which they induced the House to support them. When the noble Lord made the defence which he did, in January last, he had the Convention with Russia in his pocket, and he knew that that Power had been subsidized to the views of England. The noble Lord had talked of a breach of national faith if this money were not paid, but he (Sir Edward Sugden) denied that, by the national honour, we were bound to pay a single shilling. The present Ministry stood convicted of as gross a breach of national faith as ever was committed. Considering, therefore, this House as the guardian of the national honour and of the public peace, he never supported a motion with greater satisfaction than the present.

Viscount *Palmerston* rose amidst loud cries of Question. He hoped, considering the length to which the Debate had gone, and considering that the subject under discussion would come before the House in many future stages, that hon. Gentlemen would suffer the House to come to a decision on this question to-night. He could assure the House, that he would compress what he had to say within very narrow limits. It would be unnecessary for him to notice many of the arguments urged in the course of the Debate, which, though conducted with great ability on both sides, and very unequal success, had produced little which had any bearing on the real question before the House. Hon. Gentlemen had been asked, whether they were of opinion that this country was not bound to continue these payments to Russia? This question had been more than once put to the hon. Gentlemen opposite, and, although they had avoided giving it any definite or specific answer, it was not difficult to draw from their conduct the conclusion, that they thought the country was bound to continue the payments. It was true, that Gentlemen opposite had not given an answer to the question in direct terms; they had not expressed it in words, but from their conduct it was impossible to arrive at any other conclusion. But what had been the course pursued by hon. Gentlemen opposite? Had his noble friend been met fairly in the proposition which he submitted to the House? Instead of going into the question before the House, all the arguments used had reference only to questions fully discussed and settled several months ago. Gentlemen forgot, or they did not choose to recollect, that something had occurred since then, which had completely altered the face of the matter. Ministers were now able to produce documents which they were then obliged to keep back, and to enter into explanations which they could not then give. They were then acting under the most disagreeable restraint. It was impossible for them to enter into an explanation of negotiations which were unsettled, and lay before Parliament a convention which was incomplete. They were then not at liberty to produce the additional articles of the Treaty of 1815, which elucidated the subject. It was, on a former occasion, stated by two hon. and learned Gentlemen, that if a convention like that now produced had been made, they would not have supported the motion then proposed. [*no! no!*]. The hon. and learned member for Boroughbridge, and another hon. and learned Gentleman, stated, that they would not have joined in a vote of censure, if they had known that such a document had been in existence. The restraint under which the Government then laboured being removed, he would as briefly as possible, explain why he thought that the country was bound in honour, justice, and good faith, to continue the payments to Russia. When the Convention of 1815 was submitted to Parliament, both Lord Liverpool and Lord Castlereagh stated, that in consequence of the great exertions of Russia in the war, that Power was entitled to some remuneration; and also, that the object of the treaty was, to influence Russia to support a policy, with regard to the Low Countries, best adapted for the interests of England, and for the preservation of the peace of Europe. It was then stated, that when Russia had expelled the enemy from her own frontiers, and had continued to wage war, at immense sacrifices, for the benefit of Europe at large, it was considered by the Allies that she was entitled to some remuneration for all her exertions in the common cause. On these grounds, England, Russia, and Holland, entered into this arrangement; Holland, in the first place, undertook to pay for Russia one-half of the Russian-Dutch Loan, of 100,000,000 florins, and this country undertook to pay one-half of that half, or 25,000,000 of florins. We undertook this payment in consequence of a treaty between England and Holland, by which the latter agreed that England should retain some of the most valuable of the Dutch colonies captured during the war. Some hon. Gentleman had denied that Russia was unwilling, in 1815, to acquiesce in the union of Belgium and Holland, and to recognize the prince of Orange as king of the Netherlands; but he had more knowledge of the subject than the hon. Member, and could assert that it was so. It was settled by this treaty, that the payments should cease if Belgium was severed from Holland; and the motive of that stipulation was, to obtain for us a most important guarantee, in giving Russia a strong interest to prevent the separation of Belgium from Holland. But what was the separation contemplated? Was it a separation occasioned by the revolt of Belgium, or by rebellion of a single province or town; or was it a separation to be occasioned by the attack of a hostile Power? Whatever might be the strict letter of the treaty, those who made it, he had no hesitation in saying, had in contemplation only a separation occasioned by a foreign army. That was proved by the additional articles. There could be no doubt whatever as to the true construction of the treaty on which the question turned, and in order to prevent the possibility of doubt as to the construction of the fifth article, this secret article provided for two possible cases. The original treaty said, if Belgium is separated from Holland the payment shall at once cease. The secret article said, that the severance might be of two kinds. It declared, that if Belgium should be occupied by an invading enemy, unless that occupation should have lasted for more than a year, the payment should not cease, although the whole of Belgium may have been invaded, and virtually severed from Holland. It also said, that if a portion only of Belgium was permanently severed from Holland, a proportionate reduction should be made from the annual payment. The additional article was most important, for it set out by declaring, that it was intended for the purpose of preventing all possibility of doubt as to the true meaning of the fifth article of the Convention of 1815. Well, then, what were the doubts which it resolved? Why, the doubts as to what might be the true meaning of the fifth article, if Belgium was severed entirely, but temporarily, or partially, but permanently; and, in each case, the severance contemplated was one by force of arms, and by the invasion of a foreign enemy; and he said, then, that this additional article rendered it impossible to doubt the fair construction of the original treaty, for it showed, as clearly as words could show, what was the impression on the minds of the party who framed it. It was quite clear, from what Lord Castlereagh said on that occasion, that the severance contemplated by those who made the treaty was a severance by force of arms, and he might almost say, a severance by France, with whom the Allied Powers had just concluded a long and arduous war. It was said, however, that this was not the strict and literal interpretation of the words of the treaty, which would extend to a severance by internal rebellion, and by a successful revolution. Supposing that was the case, should they be entitled to apply the spirit of the additional article to the present circumstances, and say, that until that severance had lasted a year, the payment could not be suspended? But the severance was not complete, *de facto*, till the election of Prince Leopold to be King, in June, 1831; and, therefore, even upon that construction of the treaty, which he did not admit, the payment in December, 1831, could not have been resisted. It was perfectly clear, however, that whether the severance was to be by force from without, or by rebellion from within, the true meaning of the provision for the forfeiture of the payment, in case severance took place, was to bind Russia to co-operate with Great Britain in preventing a separation; because the whole regulation was made in the interest of Great Britain, and it was her interest and policy at that time to preserve and maintain the union. Belgium was not given to Holland on account of any peculiar merit in the Dutch nation, or in the sovereign of the Netherlands. He was not underrating the gallantry with which the Dutch emancipated themselves from the yoke of France, nor casting any reflection upon the sovereign; but neither the Dutch nor their sovereign had been able to render such services to the other Powers as to entitle either of them to any peculiar benefit. The union, then, was merely an arrangement for the general advantage of the Powers of Europe. Many persons thought, that the arrangement was not calculated to attain the object proposed; he thought it was wise and prudent. He was persuaded, that if the government had administered the affairs of the Netherlands with moderation and judgment, the union would have been consolidated by time, instead of becoming weaker and weaker during every year it had continued. The object of this country was, that the union should be maintained, for the interests of England intimately connected with it, and for the general interest of Europe; and the assistance of Russia to maintain that union was secured by giving her a direct pecuniary interest in the preservation of it. Now, however, the separation had taken place; there was no doubt of that—and supposing, for the sake of argument, it was such a separation as to carry with it the forfeiture of the payment—the question then was, by whom was it brought about? Not by England certainly, for it was the result of the internal circumstances of the united kingdom of the Netherlands. But what was the course which the English Government took on the occurrence of the circumstances which led to the separation? By the terms of the alliance, the contracting parties to the treaty which made the union had an undoubted right to march into Belgium, and, by force of arms, to re-establish there the authority of the king of the Netherlands—he said an undoubted right, as contradistinguished from an obligation to re-establish that authority. In the beginning of October, 1830, the king of the Netherlands applied to his allies, telling them his authority had been overthrown in Belgium, and he asked for military assistance to enable him to re-establish it. Such an application was made to Great Britain, to Austria, to Russia, and Prussia. What was the answer—not of the present, but of the late Administration? Why, they declined to afford the military assistance required of them. He blamed them not; however important it was to maintain that union, if consistent with the preservation of peace, and the contentment of the two nations, under the existing circumstances the last Government acted wisely in declining to run the risk of incurring a general war in Europe—a war, moreover, of conflicting principles—for the purpose of re-establishing a union which could never be real or permanent. The Government of Great Britain, by so doing, however, gave its sanction to the separation which had taken place. What, however, was the answer of the emperor of Russia? He signified to his allies that he had 60,000 men on his frontiers, ready to march for the purpose of re-establishing the authority of the king of the Netherlands, if the other contracting parties to the treaty were of opinion that such a proceeding would be consistent with the general interest. The emperor of Russia was ready to do all he could to re-establish the authority of his ally, and to maintain the union of 1815; but, although that union was originally promoted by England, she had changed her view of the policy and expediency of it, and, by her influence, prevented that recourse to arms which might possibly, though at the risk of a general war, have re-established the authority of the king of the Netherlands, and have prevented the severance of Belgium from Holland. With what face, then, could this country have said to the emperor of Russia, "Because we have persuaded you to arrest the march of your legions, therefore we will fine you—we will break the obligation of our bond—because you, having been ready to fulfil yours, have listened to our prudent and moderate counsels?" In the negotiations which then took place, what was the first act of the former Government? Why, having, in the first instance, declined to give to the king of Holland military aid, for the purpose of re-establishing by force his authority, it said, that the separation having taken place *de facto*, it could not permit the two parties to continue a contest which had ceased to have an object; and the Conference compelled them both to agree to an indefinite armistice. As soon as military aid was refused to the king of Holland, and he was not permitted to employ his own military means, a virtual severance of the two countries had been decided upon. It was found, in the course of the negotiations, that it was impossible, by any persuasion, to induce the Belgians again to become the subjects of the king of the Netherlands. What was the only alternative left to the allies, consistent with the peace of Europe, and the interests of surrounding nations? The union having been broken, what was left for them to do? How was the object for which Belgium had been united to Holland to be achieved? Why, by declaring Belgium an independent and a neutral state. Perhaps that arrangement might turn out better calculated for the purpose than that which was established in 1815; although the Government of this country urged that arrangement upon its allies, and specially endeavoured to persuade Russia to agree to it. A change had taken place since 1815, in the relations between Russia and the Netherlands. In 1815, Russia was adverse to the union of the two countries, but since that period family connexions had been formed, private and personal interests had been added to political relations, and Russia had become indisposed to any arrangement that should render less valuable the inheritance of a prince connected by the ties of marriage with the Imperial House of Russia. It was England which, for European considerations, wished to sanction, by treaty, that separation which *de facto* had begun to exist. On the 15th of November, a treaty was signed between all the Allied Powers, assembled in Conference, on the one hand, and the king of Belgium on the other, by which that separation which had *de facto* existed since the commencement of the reign of Leopold, in June, was formally recognized by the five Powers. With regard to the Russian loan, the Ministers had the opinion of the law officers that that Convention made no difference in our honourable obligation. Entertaining no doubt of the liability of England to pay the money to Russia, the

Convention was signed the day after the treaty of separation; and it was signed at that time, because the government of Russia would not enter into an engagement to recognize the separation of Belgium from Holland, unless it was accompanied by a security for the continuance of the payment of the money. It could not, however, be considered a binding agreement between the two governments, till it was ratified: the treaty of separation was not ratified by Russia till May, nor the Convention till the following month of June. But, as the Government considered itself pledged in honour and good faith to continue the payments, it was its bounden duty to sign this subsequent Convention, for the security of the interests of Russia, and for the purpose of preventing that country from the possibility of being injured, in consequence of the separation. It was said, however, "Why, if you found in December that you could not suspend the payments, did you not come down to this House, and state that such a Convention had been signed?" In the first place, he apprehended that, in honour and good faith, the country was bound to continue the payments, and, at all events, could not suspend them at that time, because a treaty was not valid till it had been ratified by the sovereigns whose plenipotentiaries had affixed their signatures to it. Russia had not then ratified the treaty of separation; and could not, therefore, have been made, with any propriety, to suffer legally the forfeiture, even if it had been just or honourable to impose it. Here one of the additional articles certainly had a most direct application, because it was therein stated, that if a separation took place by force of arms, the payments should not be suspended till after the lapse of twelve months. No one, he apprehended, could contend that this provision would not be equally applicable to a separation by internal violence; and if the payments could not be suspended until a year had elapsed, in case of severance by force of arms, no one could justly contend that the Government would have been warranted in suspending the payments before the year had elapsed, under the peculiar circumstances by which the separation was effected. The separation did not actually take place until the election of the sovereign of Belgium, which happened early in the month of June. Up to the end of December, therefore, the Government could not possibly withhold the payments. It was asked, why did not the Ministers state, that the new Convention had been signed? For this plain reason, that the very same circumstance which rendered the treaty of separation invalid until it had been ratified by the contracting parties, applied to this Convention. Every one must admit that, if the Government had come down to this House, and rested on an incomplete and unratified convention, it would not only have been acting in a manner unbecoming its dignity, but treating the House improperly and disrespectfully. Ministers were unable, at that time, to state that this second convention was complete; but, as soon as it was ratified, they announced the fact to the House, and stated their intention of applying to Parliament for its sanction to the convention. They had been told that they were too lax in their interpretation of the Convention of 1815. But all who were conversant with public law and public engagements must feel, that nations ought to be much more liberal in their constructions of their own obligations of this kind, than individuals in the engagements between each other in the ordinary transactions of life. If one individual was injured by another, the party aggrieved could appeal for redress to the laws, or to some impartial tribunal, whereas between nations the only appeal was to the sword; and it was the bounden duty of every Government to avoid such an appeal as long as possible. With respect, then, to the original engagement, in the spirit that still subsisted, Russia had done nothing to forfeit her right to claim the execution of our part of that engagement, which, accordingly, we were bound in honour and in duty to fulfil. Under these circumstances, the House would be regardless of the dignity of the country, if it were to withhold its assent from the motion of his noble friend, the Chancellor of the Exchequer. The hon. and learned Gentleman who spoke last, called upon him to explain how it happened that the second convention was different in its wording and provisions from the first. He said, in the original it was provided that the payments should cease if Belgium be separated from Holland, but that there was no such condition in the present arrangement; though it required, as the hon. and learned Gentleman admitted, that, with respect to Belgium, Russia should conform to the views and policy of England. They could not insert in this convention that the payment should cease when Belgium should be separated from Holland, because it would be actually absurd. The fact of that separation having taken place was the basis of the Convention itself; but it was said that Russia should make her policy, with regard to Belgium, conformable to the views and interests of England, which, in spirit and substance, was equivalent to the former condition. The hon. member for Thetford remarked, that his noble friend at the head of the Government had recently made use of expressions which filled him with alarm — that his noble friend said, that the country should place itself in a firm and imposing attitude, and he begged to know what was the meaning of those expressions, and the events to which they referred. It was unnecessary to do more than look to the various countries of Europe to see that circumstances might require, for the dignity, and honour, and interests of this country, that she should take the attitude which his noble friend described; though there was one attitude which he hoped she would never take. An imposing attitude, he trusted, she would take, but he trusted she would never assume an attitude of imposition; and it would be to practise an imposition on the government of Russia, if she sought, by a mean and paltry quibble, to relieve herself from obligations which she was bound to fulfil, not only by considerations of honour and good faith, but also by a regard for her true political interests. He remembered a distinguished Member of that House, Mr. Wilberforce, once said, that England was too honest to have any connexion with the Continent. He trusted the time would never come when England should, in the opinion of the Continent, be too dishonest for mutual intercourse; but his opinion was, that if the House refused its consent to the act necessary to the continuance of these payments, the honour and the good name of the country would be so tarnished, that he should despair of any useful or beneficial intercourse ever again taking place between her and the other states of Europe. He would only add, that the payment was fully, completely, and entirely warranted by the treaty, by the additional articles, as they were called, and by the nature of the transactions out of which the Treaty of 1815 arose; and he was persuaded that hon. Gentlemen opposite would find themselves, if they expected to obtain, on the present occasion, a larger division against the Government than they had when the subject was last discussed, as mistaken in their predictions as they were erroneous in their arguments.

Sir *Robert Peel* said, the noble Lord had followed the line of argument which almost every speaker on that side who preceded him had taken, and had studiously confounded two questions, which were entirely distinct—the one, whether this country was under an obligation, of honour and good faith, to continue these payments to Russia; the other, whether his Majesty's Government were warranted, by law, in advancing the money in January last? No two questions could be more distinct than these. The noble Lord who commenced the discussion, was the first to admit that they were distinct, and ought to be kept separate. Why, then, after that admission from the noble Lord, had these questions been confounded? Why, but because the pressure of argument against the conduct of Government was so strong, that it became necessary to divert attention from it, by introducing a multitude of topics, with which that conduct had nothing to do. The first invitation to us to declare our opinion on the political question, came, not from a political character, but from the Attorney General, who, of all persons, was peculiarly bound to confine himself to the legal part of the question. He it was who said, "Before you come to the question of law, tell us what you think of the policy of continuing these payments to Russia." That question was no doubt an important one, and many hon. Gentlemen complained that no distinct answer had been given to it. He, for one, had no wish to evade it. He certainly thought that his Majesty's Government ought to have explained to the House, what were the circumstances that imposed upon the House of Commons an obligation of good faith to support his Majesty's Ministers in the view they took of this question. He had never held equivocal language on this subject; he had said from the first, establish that claim of good faith, and take the money; but, he repeated, that he thought it was too much, merely on the speech of a Minister to call upon the House of Commons in spite of the letter of the treaty, in spite of the Act of Parliament, in spite of every document to which the House had yet had access, to admit that an obligation, in point of honour, to make these payments still existed. The noble Lord, the Paymaster of the Forces, on a former occasion, complained of this side of the House for pressing precipitately a vote of censure, without calling for the papers which existed, and to the production of which he intimated there would be no objection. Again, to-night, the hon. and learned Gentleman, the member for Ilchester, intimated that the law officers, before they gave their opinion, were aware of certain negotiations that preceded the Convention, and which materially bore upon the character and spirit of that Convention. Then he said at once, that it was incumbent upon the Ministers, if there were documents which fortified their construction of the treaty—if there were documents existing in the Foreign Office, on which the law-officers grounded their opinion, to produce them. In 1815, though not a member of the Cabinet, he was connected with the Government, and was not aware of the existence of such documents. Still he could not deny the possibility of their existence, but if they did exist could there be a doubt that it was the duty of the Government to take one of two courses—either to produce the documents, or to say at once, "On our responsibility, as Ministers, we consider that their production would be prejudicial to the public interests, but we pledge our honour, as to the fact of their existence." It was not fair to refer obscurity to negotiations and drafts of treaties which were neither explained nor produced; and, to insinuate that the House was not qualified to Judge, because it was not in possession of the whole case. The obligation on the part of this country was founded either upon the Convention of 1815, or upon the new Convention. If upon the latter, it was greatly to be lamented that his Majesty's Government had not postponed this question; because, if it rested upon the new Convention, we were pledging ourselves by ratifying that Convention, to an approval of the public policy of the Government in reference to foreign affairs. It would thus become necessary to enter at once into a general discussion of the political transactions of this country. Whether that was advisable, with reference to the preservation of peace, the noble Lord was the best judge. The transactions were not yet closed, and he should not enter into them without great reluctance, but if the noble Lord said, "I call upon you to vote this money, because, Russia has pledged herself to adhere to the policy of England, with regard to the establishment of the independent state of Belgium," then he asked, was it possible to discuss the merits of the Convention, without discussing at the same time the general policy of placing Prince Leopold upon the throne of that state; and, above all, the conduct which, throughout these transactions, the Government of this country, and the other members of the Conference, had pursued towards Holland? He should deplore the necessity of being called upon to enter into these questions, because he could not think, that in the state in which they then were, the full and unreserved discussion of them at that time, could contribute to their satisfactory settlement. It was unjust, therefore, for the Government to force the House, under these circumstances, into the expression either of acquiescence or dissent in respect to the foreign policy of the Government. On the other question, namely, whether the conduct of the Government, in continuing the payments to Russia was in conformity with law, he had only to repeat that he considered it entirely distinct—so that it would in his opinion be quite consistent to move a vote of censure on the Government, for violating an express law, and yet enable the Government by a new authority to maintain the obligations of good faith and honour. A similar course had been pursued in many instances. With reference to the Peace of 1763, to the Peace of 1783, and to the Peace of Amiens, votes of censure were moved upon his Majesty's Government for making those treaties, and yet the House resolved to keep the treaties inviolate. A similar course of proceeding might with equal justice and propriety be adopted on the present occasion. The real question now before the House was, the dry bare legal question, whether his Majesty's Government were warranted by law in paying this money. He was surprised to hear the subject treated by Gentlemen on the other side of the House as if it were a matter of indifference whether or not the money was issued under the sanction of an Act of Parliament. To argue that that question was subordinate to another, namely, whether the country was obliged in good faith to pay the money, was to treat it as a matter of indifference. The country might be obliged, in good faith, to pay the money, but would any man contend, that it ought to be paid without the authority of Parliament? The noble Lord considered that a vote of censure was treating Ministers with too great severity, but the resolution moved by his right hon. friend was the mildest mode in which the House could express its own opinion on the facts which had transpired. The noble Lord must judge for himself whether such a resolution was tantamount to a vote of censure or not; but, if the facts were as they had been stated to be, it was the duty of the House of Commons to declare its sentiments on those facts in the language, not of severity but of truth. The noble Lord (Althorp) said, "If you pass that Resolution, I shall resign my office." In the present awful state of the country—in the present state of our foreign affairs—in the present state of Ireland—in the present state of the West-India colonies—in the present state of our finances, he was much not surprised at the readiness with which the noble Lord made that declaration. Still, if, as was his conviction, the issue of money which took place in January was not warranted by law, it became the duty of the House of Commons to take steps for the purpose of guarding against that issue being drawn into precedent; and, whatever might be the determination of the noble Lord as to resigning his office, he would not shrink from giving his sanction to a formal proceeding, by which the example of the noble Lord might not be drawn into precedent. The question was, was the issue in January warranted by law? He admitted at once, that treaties ought not only to be observed; but that the intentions of the parties, rather than the letter of the official instrument, should be faithfully executed. All that the learned member for Calne had said—nine-tenths of the speech of the learned member for Ilchester—and all that the noble Lord (Viscount Palmerston) had urged, were quite beside the present question. Granted that the construction of the treaty ought to be liberal, but it was the duty of Ministers to apply to Parliament, to enable them to put that construction upon it. If there had been a case not foreseen by the Act, but coming within the spirit of the treaty, Parliament would never refuse to supply the defect. This was the very point under consideration. It was said by Ministers, that the severance of the Belgian provinces from Holland by a revolution, was a *casus omissus* not provided for, by the treaty, and that, that case occurring, and Russia being in no way responsible for its occurrence, a moral obligation upon this country remained to continue the payment. Supposing he admitted the full force of that argument—as he had admitted that the Government ought to construe this treaty liberally—yet, what was the just conclusion from those premises? Why, the Government ought to apply to Parliament for a new authority, and not require the Auditor of the Exchequer to place a construction upon an Act of Parliament manifestly at variance with its express terms. Treaties which depended for their enforcement upon the sanction of an Act of Parliament, differed in principle from those upon which the Crown was competent to act without applying to Parliament to sanction them. On such treaties it became the Government to put a liberal construction; and, in such a case as that quoted by the hon. and learned member for Calne, in which one nation engaged to furnish pikemen to another, and being unable to fulfil that special engagement felt itself bound to furnish musketeers—there could be no question that the spirit of the contract was justly fulfilled. But in treaties which related to the issue of money, where the Crown was obliged to resort to Parliament to get that money, the Crown relinquished its right to construe such treaties, and was bound by the strict letter of the law. Where an Act of Parliament imposed obligations upon a Minister of the Crown, in respect to the issue of public money, there was no more latitude given to that Minister in the construction of such an Act of Parliament, than there was given to any other individual with regard to an ordinary statute. The necessity of applying to Parliament for its sanction, implied that it was the duty of the Crown to observe the will of the Legislature expressed in a law, and therefore any act on the part of the Crown that dispensed with the law, was inconsistent with the spirit of the Constitution. There would be no security in legislation if such a dispensing power were allowed to exist. He should like to take a man of plain common sense, who knew nothing of the technicalities of law, and leave this question to his decision. He should like to place before him the terms of the treaty as follows. The material terms of the treaty were these — "It is understood and agreed that the payment on the part of his Majesty the King of Great Britain shall cease and determine, should the possession and sovereignty (which God forbid) of the Belgic provinces pass away or be severed from the kingdom of the Netherlands." Here — be it observed by the way — we implored Providence to avert, as an evil, the separation of Belgium from Holland, and now, consistently with our present policy, we must implore the same Providence to effect the very object which we before implored it to prevent, and we must now say, God forbid that the Belgic provinces should ever be incorporated with Holland. The Act went on to declare, that these payments were authorized to be made by Great Britain, according to the spirit of the treaty, as specified in the engagement. What was the engagement, the spirit, as well as the letter of this engagement? Why surely that our liability should cease whenever the possession of Belgium should pass from Holland. Then the question was, had the possession or sovereignty of the Belgic provinces passed away when the money was issued? Could any man doubt that fact? The money was paid in January, but the dominion had previously passed away; true, it was by a revolution, and not by invasion, but still the fact could not be disputed, that the dominion of the Belgic provinces had passed from the kingdom of the Netherlands, and yet, in spite of that specific enactment to which he had referred, the Government issued the money. He would next refer to the objects of the treaties. The second Treaty of 1815 referred to a former Treaty of 1814, between Holland and this country. The object contemplated by that treaty was, to provide for the defence of the Belgian provinces, and their incorporation with Holland: England was to contribute a portion of such further charge as should be agreed upon by the contracting parties, as necessary for the final and satisfactory settlement of the Low Countries under the dominion of the House of Orange. The communication made by the Crown to Parliament on that occasion was to this effect:—"I have a great object in view—I wish to incorporate the Belgian provinces with Holland—I have received from Holland her colonies—I have entered into a convention with that country to pay 3,000,000*l.* of money for the express purpose of ensuring the incorporation of the Belgic provinces with Holland—I wish you to authorize me to pay this money, and I will consent that you shall prohibit me (for the act is not permissive merely) from issuing that money, provided the possession and sovereignty of those provinces shall ever pass away from Holland." They had passed away, and yet that money was still paid. Could any man assert that it was paid by authority of Parliament? What answer had been given to this? To say that the spirit of the treaty required that the payment should be made, in spite of the express provisions of the law, was trifling with the subject. In fact a new Convention had been made with Russia, as if to prove that the former Convention had ceased to be valid. That new Convention placed the obligation on the part of England, upon a totally new ground. This new Convention stated, that it was the object of the Convention of 1815 to afford to Great Britain a guarantee that Russia would, on all questions concerning Belgium, identify her policy with that which the Court of London deemed the best adapted for the maintenance of a just balance of power in Europe. Where could he find that such was the object of the first Convention? It was very useful to insert these words, in order to provide a defence for the policy which Government had pursued. It was very useful to state to the public that Russia would adhere to our policy, and consent to the separation of the Belgian provinces from Holland, if necessary. But how did it appear? By what public document was it shown that that was the real object of the Convention of 1815? If the real object of that Convention was to procure a guarantee from Russia, that, in all cases, she would adhere to the policy of England in respect to Belgium, why was an article inserted in the Convention, which, supposing a case of war, between the parties, still enjoined that the payment of the money should continue on the part of England. In the Convention of 1815 there was an express article to that effect. Supposing that the Netherlands being an ally of England, should Russia declare war upon that country, and actually occupy the Belgian provinces, was it possible to state that her policy would be identified with the policy of England? And yet, according to the Convention of 1815, even under those circumstances the money must have continued to be paid. It might be very desirable that such should be the guarantee to be given for the future, by Russia to England; but to say it was a guarantee given by the Convention of 1815 was an assertion without any foundation. That Convention was utterly at variance with the Convention of the 16th of November, 1831, which recited, that the object of the former treaty was to identify the policy of Russia at all times with that of England towards the Netherlands. But if the second Convention arose out of the same circumstances, and was a mere continuation of the obligation of the first, why had the Government in framing the second, departed from the terms of the first Convention? He wished to ask, whether or not, supposing a war should break out between Russia and England, would the obligation to pay the money continue under the second Convention? It was provided distinctly by the first that war should not release us from the payment. Was the country, by this latter Convention, now released from the obligation in case of war? Surely the omission of such an article as that contained in the original Convention must throw considerable doubt upon the nature and extent of our obligation. To have so important an article inserted in the first Convention, and omitted in the second, was quite inexplicable. To return, however, to the main question, the only question of to-night's discussion. In case the House should be of opinion that there was no sufficient authority to issue this money under the Act of Parliament, there could be only one course which, consistently with its own honour, and in regard to its own privileges, it could pursue. It was not necessary to address the Crown for the removal of its Ministers; it was not necessary to pass a vote of censure on Ministers; but it was necessary to claim for the House of Commons the privilege of doing this—of saying to those Ministers—"You have made a mistake; the issue of money has been contrary to law, and we will repair the error, and maintain the respect due to this House and to the law, by bringing in an Act of Indemnity." The noble Lord said, he would not accept it; but it was the duty of the House to enforce it. The ground upon which the violation of the law was apparent was contained in the documents supplied by his Majesty's Government. It was not his intention to enter into the details of the case, nor to trouble the House with any legal argument upon the subject. He took what he conceived to be a stronger ground. On the 1st of January, the Ministers issued payment of the yearly interest of this loan upon the old convention, and under the authority of the opinion of the law officers of the Crown. On the 5th of June following they declined to make that issue, and placed upon record, by the authority of the Lords Commissioners of the Treasury, that they did not consider it possible at present to remit the sum required for the instalment which had then become due. Here, then, was a distinct admission, that the Treasury had no legal authority to pay the money; and yet, in January, 1832, that same Treasury had made the payment, which they declined in June as illegal. What had occurred in the meanwhile to make the payment illegal? There was no difference in the circumstances of the two periods. There was a Convention signed on the 16th of November, but not ratified —it was signed, but not ratified in January —it was signed, but not ratified in June. In January they made the payment; a debate in this House took place as to its legality; in June the Ministers declined to make the same payment, and gave as their reason that a new Convention had been made in November, which had not yet received the sanction of Parliament, not having been ratified. He wished to ask, why a Convention signed on the16th of November, was not yet ratified? By the third article it was declared, that it should be ratified within six weeks, or sooner if possible; and yet, on the 5th of June—that is, after the lapse, not of six weeks, but six months — there was an admission on the part of the Treasury, that the Convention was not ratified. What were the reasons for that? Was Russia adhering to the policy of this country in respect to Belgium? If she was, why did she not ratify the Convention? If not, how could the Government have been satisfied in making the issue in January when, on their own showing, Russia was bound by the first Convention to identify her policy with that of England, or forfeit her claim to the payment? But what new fact had arisen constituting so material a difference between the two periods of January and June? It had been stated, that Russia had in the interim ratified the general treaty of the five Powers, and, by that ratification, had at length agreed to the separation of Belgium from Holland. But the fact of Russia having recognized that separation made no difference in the case. Look at the terms of the King's Speech; it was announced from the Throne to the Parliament of 1831, that Belgium was separated from Holland, and that the Belgians had made choice of an independent sovereign; nay, we had even recognized that sovereign, and received a Minister from his Court. He asked, then, whether the mere fact of Russia having recognized the Belgian sovereignty, and acknowledged King Leopold, made such a difference with regard to these payments, that that which was legal in January should be illegal in June? It was impossible to find anything in the treaty or in the Act of Parliament which countenanced such a construction. He said, then, that the House of Commons ought to take up this question; and, if the obligation be valid in honour and good faith, let Parliament authorise the payment. Was it right, in a matter of this kind, that, after the power which the House of Commons had conferred on the Crown, had, by the change of circumstances, ceased to exist, the Crown should take upon itself still to exercise that power, and that, too, in the issuing of the public money, over which that House had a chief and special control? The least that Parliament could do for the vindication of its own authority was to pass an Act of Indemnity. And was that an unusual proceeding, or different from the course pursued in former times? Did not the right hon. Baronet opposite (Sir James Graham) recollect, when the Crown remitted the four and-a-half per cent duty upon foreign sugars, that nothing would satisfy him or the noble Lord but an Act to legalize the remission, and indemnify the Government for having acted without due authority. Could any man say, that the bringing in an Act of Parliament, with a view to vindicate the privileges of this House, and to correct an error on the part of a Minister of the Crown, was such a reflection upon the conduct of that Minister as to justify his resignation of office? What was done in the case of Boyd and Benfield, in the year 1804? In the year 1795, Mr. Pitt advanced the sum of 40,000*l.* out of the public Treasury to Boyd and Benfield, to enable them to make good an instalment of a loan for which they had contracted. He took good security for its repayment, and every single farthing was ultimately repaid. The country was then at war. Peace at length took place, and, in consequence of an inquiry instituted before certain Commissioners, this transaction was discovered, and it was at the same time also discovered, that not one single shilling of the public money had been lost; but yet it was considered that the issue of that money was not authorised by law. The question was some years afterwards brought forward by Mr. Fox and Mr. Whitbread, who insisted that the transaction should be covered by a Bill of Indemnity. They brought forward a resolution, not involving the censure of the Government, but declaring the fact, that the issue of the money was not warranted by law. The resolution admitted, that the advance of 40,000*l.* to Boyd and Benfield, upon unquestionable security, which sum was adopted for the purpose of averting very serious injury to the commercial world—still it was deemed essential to declare it to be unwarranted by law, and Mr. Lascelles afterwards obtained leave to bring in a Bill of Indemnity. If, then, Parliament on that occasion declared that that issue was not according to law, if no opposition to a Bill of Indemnity, was offered by the Minister who made that issue, although the transaction had taken place nine years before, why should the Parliament of this day relax, in its vigilance over the conduct of Ministers with regard to the disposal of the public money? It certainly ought not to do so. He knew the Constitution of this country was about to undergo a material change. He knew that that change was mainly defended on the ground that the House of Commons had not exercised that control over the public purse which it ought to exercise, and had not been sufficiently vigilant in guarding the public finances. Let the present House, then, have the satisfaction, before it expired, of doing its duty, and of showing to the public, that, this last impeachment of its character was not a just one. His own conviction was, that the issue of money in January last was not according to law. If he had to give a verdict as a juryman, he would declare, that there was nothing, either in the Act of Parliament, or in the Convention, which warranted that issue. He did not deny that treaties ought to be construed liberally, and that the obligations of good faith ought to be religiously maintained; but he also contended, that it was consistent with the liberal construction of treaties, and with the perfect preservation of the national faith, that Parliament should perform its duty to the country; that, in all cases of proved illegality, or even of rational doubt, it should vindicate its own authority; and, should take care that no Ministry, though backed by a triumphant majority, should usurp the privileges of the House of Commons, with regard to the issue and control of public money.

Lord *John Russell* agreed with his noble friend, in saying that this vote of censure was brought forward prematurely, without asking for inquiry, and without having consulted the papers which had been laid upon the Table. He did not, however, complain of the motion of the right hon. Gentleman, although he had made it at rather a singular moment, when the Ministers of the Crown had come down to ask for the authority of Parliament, to enable them to carry into effect the treaty which had been already signed and ratified. To propose, on such an occasion, a vote of censure, was certainly an unusual proceeding: upon that subject, however, he should say no more. He wished only to address a few words to the House with respect to some points upon which the right hon. Gentleman, who had just spoken, had either misunderstood his noble friend, or had made a statement which he was not justified in making. The right hon. Gentleman asked why, if the payment in January was legal, should it be necessary to come for an Act of Parliament to authorize the payment in June? But he had answered his own argument, by saying, that the treaty of separation had been ratified in June and not in January. But, then, how came it that the Convention, which was signed on the 16th of November, was not ratified till June? The reason was, that the delay in the ratification of the treaty of separation very properly delayed the ratification of the Convention of the 16th of November, which was founded solely on the former treaty. It was, therefore, quite impossible that the Ministers could lay it before Parliament or the emperor of Russia. But as soon as the treaty of separation was ratified, and the Convention arrived, ratified by the emperor of Russia, the Ministers of the Crown performed their duty, by laying the Convention before Parliament and asking the authority of Parliament for carrying it into effect. He did not understand why, if a vote of censure was to be passed upon Ministers, that censure should be confined in particular to the month of January. The right hon. Gentleman had not given any reason why he had fixed upon that period, as being the time when the independence of Belgium was established. Ministers considered independence to be established now, because there was a treaty between the five Powers which was ratified, and which acknowledged that independence. Why did not the right hon. Gentleman at once say, that Ministers were not justified in paying the money even in the January previous? Certainly, Prince Leopold was elected King in the month of June; but in transactions of this kind, going over a length of time, there was not any reason whatever for saying that, in that particular month of January, a severance had taken place, more than at any other time, for at various periods the people had shown symptoms of insurrection, so that the right hon. Gentleman might as well have fixed upon any of those periods as upon the month of January. It was well known that, in the month of August, the king of Holland entered Belgium, whilst this severance, upon which so much argument had been founded, had not yet attracted the intervention of the Allied Sovereigns. Therefore, the proper course for the Ministers of the Crown to pursue was, until these transactions had been completed, and a regular agreement come to between the great States of Europe, that the new sovereignty of Belgium should be recognized, to consider that the severance had not taken place, and that the provisions of the former Convention were still in force. The right hon. Gentleman then complained of this question being brought forward at the present time. If this had not been done, it would have been necessary to continue those payments to which the right hon. Gentleman and his friends so much objected. Ministers were now endeavouring to obtain from Parliament its sanction to a treaty which was perfect in the letter, as well as in the spirit, in order to pay this loan to Russia. It was, therefore, a complaint quite inconsistent with all the other parts of the right hon. Gentleman's speech. With regard to the general question of the Treaty of 1815, his noble friend, the Secretary for Foreign Affairs, had fully explained that transaction. There was nothing in the papers of which he had not given a complete and fair account, and, therefore, it was quite unnecessary to move for any more documents relating to that subject. But, when the right hon. Gentleman complained of the conduct of his Majesty's Ministers, and charged them with duplicity, and applied other harsh terms to their proceedings, he must needs say, without being disposed to retort those terms, that after the appeal which had been made by his noble friend near him, he was surprised that no Gentleman on the opposite side of the House had declared whether he thought this country was bound, in honour and good faith, to make these payments to Russia. The right hon. Gentleman had, indeed, said that, if bound in honour, we ought to make them; but he had cautiously abstained from saying whether he thought that Ministers were, in honour, bound to make them or not. This was certainly a very handsome declaration; but it pledged him to nothing. It was extraordinary that, after all the explanations which Ministers had made upon this subject, and after those treaties had been laid on the Table of the House, up to the present moment, no hon. Gentleman, on the other side, had expressed an opinion as to whether this country was or was not bound, in honour and good faith, to continue this payment to Russia. He knew of no reason why they should have been thus abstinent upon this point, unless it was that they were anxious to avail themselves of the opportunity which the occasion afforded, of making speeches respecting the necessity for economy, and watchfulness over the public money. If, as he believed, the hon. Members opposite really thought that this country was bound in honour to make these payments, there was an end of the most material question. It only remained, then, to be considered, whether the payments were made at precisely the right time? Although this was a point of some importance, as regarded the conduct of Ministers, it had really no more to do with the question of public economy, than any other matter which had no imaginable connexion whatever with the public money. Under these circumstances, hon. Gentlemen opposite had, in rather an uncandid manner, availed themselves of the pretext of saving the public money, in order to attack Ministers; although they themselves would not venture to declare that this country was not bound, if she desired to retain her honour unsullied, to pay Russia the money to which she was entitled, by the spirit of the Treaty of 1815.

Mr. *Croker* was desirous of noticing only two points which had occurred in the course of this discussion; and, at this protracted period of the debate, he should do so very briefly. The noble Lord had taunted his right hon. friend with not having given an answer to a question which ought not, in fairness, to have been addressed to him. The time had not arrived for asking that question. Every one of his hon. friends had endeavoured to separate that question from the one now under discussion: they had said, "The first question for us to consider is, the legality of the proceedings of the Ministry; but what our opinion is with respect to the Russian-Dutch Convention, for the payment of the money, it will be time enough to declare when that subject comes before the House." The House had received from the noble Secretary for Foreign Affairs, during the speech of his (Mr. Croker's) right hon. friend, one of the most important admissions towards determining this question that it was possible to imagine. His right hon. friend asked the noble Lord, whether he was to understand him to contend that, even in the event of this country being at war with Russia, we were to continue to subsidize that Power by the payment of this money?—to which question the noble Lord nodded assent. The noble Lord who last addressed the House, complained that we, on this side, would give no opinion upon the question whether or no we were bound in honour to pay the money to Russia. He could speak only for himself, and not for other Gentlemen, but he would certainly vote against so absurd a proposition as that we should bind ourselves to subsidize an enemy. There was only another passage in the speech of his noble friend, the Secretary for Foreign Affairs, to which he would refer. His noble friend said, that the reason why he had not stated, on a former occasion, that the new Convention was in existence, was, that he could not even so much as allude to it in Parliament, because it was not ratified. This Convention was signed on the 16th of November, and on the preceding day the treaty of separation had been signed by the Ministers of the five Powers. But neither was this latter treaty ratified; and yet his Majesty, in his Speech at the opening of the Session, was made to say, ‘The arrangement which I announced to you at the close of the last Session, for the separation of the States of Holland and Belgium, has been followed by a treaty between the five Powers and the king of the Belgians, which I have directed to be laid before you as soon as the ratifications shall have been exchanged.’* Why, then, did not Ministers advise his Majesty to go on to say, "I have likewise to acquaint you, that a treaty of subsidy between Great Britain and Russia has been entered into, which shall also be laid upon the Table as soon as the ratifications shall be exchanged, and your sanction shall be asked for its execution?" If the noble Lord had informed the House that such a convention was in progress, and had begged the House to suspend their judgment until it was laid before them, nobody would have made any objection to his proposition; but, when the noble Lord told the House he would not even allude to the Convention, because the ratification was not at the time received, why was another treaty, under similar circumstances, announced in the King's Speech? The only reason which his noble friend assigned for his extraordinary silence had failed him, because, if the one treaty could be mentioned, his noble friend was equally at liberty to mention the other.

Viscount *Palmerston* said, his right hon. friend stated, that he had made up his mind not to vote for so preposterous a proposition as that of subsidizing an enemy. He would beg to refresh his right hon. friend's memory with this passage in the Treaty of 1815—"And the subsidy agreed to be paid on the part of his Majesty, the King of Great Britain, shall not be interrupted in the event, which God forbid, of a war breaking out between any of the three contracting parties to this Treaty." Perhaps his right hon. friend would be good enough to answer the question, whether he gave his vote upon the occasion of taking into consideration that treaty, for so preposterous a proposition as the subsidizing an enemy?

Mr. *Croker* could give a most satisfactory answer to the question of his noble friend. That treaty was a bargain and sale for the annexation of Belgium to Holland. As long as the condition of the bargain was observed, it mattered not whether we were at war with Russia or not: we were bound to pay the money, because we had the equivalent for it. That equivalent might, even in the event of a war, become more than an equivalent; it might be an advantage—for instance, it might prevent a junction of Russia and France against Holland, which, if not prevented by the treaty of subsidy, must be met by the expense of an auxiliary army in Holland ten times more expensive than the subsidy. He would pay a debt justly due to any enemy; but not as it would be in this case a naked subsidy, the sole pretence for which had vanished! He hoped the House would also permit him to observe, that the object of this new Convention was stated to be, to unite the policy of England and of Russia; and, if the policy of Russia should differ so far from our's as to induce her to go to war, it would be utterly preposterous to subsidize her, even under the provisions of the Convention itself; for how could countries be united in policy when they were actually at war?

The House then divided on the Amendment: Ayes 197; Noes 243—Majority 46.

List of the NOES.

ENGLAND.

Althorp, Visct.
Anson, Sir G.
Anson, Hon. G.
Atherley, A.
Barham, C.
Baring, Sir T.
Baring, F. T.
Barnett, C. J.
Benett, John
Bentinck, Lord G.
Bernal, Ralph
Biddulph, R. M.
Blake, Sir F.
Blamire, W.
Blount, E.
Blunt, Sir C.
Bouverie, Hon. P. P.
Briscoe, John I.
Brougham, J.
Brougham, W.
Bulkeley, Sir R. W.
Bulwer, E. L.
Bunbury, Sir H. E.
Burrell, Sir C.
Buxton, T. F.
Byng, Sir J.
Byng, G.
Byng, G. S.
Calcraft, Granby H.
Calvert, N.
Campbell, J.
Carter, J. B.
Cavendish, Lord
Cavendish, Hon. C.
Cavendish, Hon. H.
Chichester, J. P. B.
Clive, E. B.
Colborne, N. W. R.
Cradock, Col. S.
Crampton, P. C.
Creevey, T.

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* Hansard (third series) vol. ix. p. 1.

Clayton Colonel
Currie, , John
Curteis, H. B.
Davies, Col. T. H. H.
Denison, W. J.
Denman, Sir T.
Duncombe, T. S.
Dundas, Sir R. L.
Dundas, Hon. J. C.
Dundas, Hon. T.
Easthope, J.
Ebrington, Viscount
Ellice, Edward
Ellis, Wynn
Evans, Col. De Lacy
Evans, William
Evans, William B.
Ewart, William
Ferguson, Gen. Sir R.
Fitzroy, Lord J.
Fitzroy, Lieut.-col. C.
Foley, Hon. H.
Folkes, Sir William
Fordwich, Lord
Foster, James
Fox, Lieut.-col.
Frankland, Sir Robert
Gisborne, Thomas
Gordon, Robert
Graham, Rt. Hn. Sir J.
Grant, Rt. Hon. R.
Grosvenor, Lord R.
Grey, Colonel
Harvey, D. W.
Hawkins, J. H.
Heneage, G. F.
Heywood, Benjamin
Hobhouse, Sir J. C.
Hodges, T. L.
Horne, Sir W.
Hoskins, Kedgwin
Howard, Hon. W.
Howard, P. H.
Howick, Viscount
Hudson, Thomas
Hughes, Colonel
Hughes, Hughes
Hume, Joseph
Jerningham, Hon. H.
Johnstone, Sir J. B.
King, Edward B.
Knight, Henry G.
Knight, Robert
Labouchere, Henry
Langston, James H.
Lawley, Francis
Lefevre, Charles S.
Leigh, Thomas C.
Lemon, Sir Chas.
Lennard, Thomas B.
Lennox, Lord Arthur
Lennox, Lord William
Lester, Benjamin L.
Littleton, Edward J.
Loch, John
Lumley, Lord
Lushington, Dr. S.
Maberly, Col. Wm.
Macaulay, Thomas B.
Maddock, J. F.
Mangles, James
Marjoribanks, Stewart
Marshall, William
Milbank, Mark
Mildmay, Paulet St. J.
Mills, John
Moreton, Hon. H.
Morpeth, Viscount
Mostyn, E. M. L.
Nugent, Lord
Ord, William
Paget, Sir Charles
Paget, Thomas
Palmer, Gen. Charles
Palmerston, Viscount
Pelham, Hon. C. A.
Pendarves, E. W. W.
Penleaze, John S.
Penrhyn, Edward
Pepys, C. C.
Petit, Louis H.
Petre, Hon. E.
Phillips, Sir R. B.
Phillips, Geo. R.
Portman, Edw. B.
Poyntz, William S.
Price, Sir Robert
Ridley, Sir M. W.
Robarts, Abraham W.
Rooper, John B.
Rumbold, C. E.
Russell, Lord John
Russell, Sir Robert G.
Russell, Lieut.-col.
Sandon, Viscount
Sanford, Edward A.
Schonswar, George
Scott, Sir Edw. D.
Sebright, Sir J.
Skipwith, Sir G.
Smith, Hon. R.
Smith, Geo. R.
Smith, John
Smith, John A.
Smith, Martin T.
Smith, Robt. Vernon
Spencer, Hon. Capt.
Stanhope, Capt. R.H.
Stanley, Rt. Hn. E. G.
Stanley, J.
Stewart, Patrick M.
Strickland, George
Strutt, Edward
Stuart, Lord Dudley
Stuart, Lord P. James
Talbot, C. R. M.
Tennyson, Chas.
Thomson, Rt. Hn. C.
Torrens, Col. Robert
Townshend, Lord
Townley, R.G.
Tracy, Charles H.
Tyrell, Charles
Venables, Alderman
Vernon, Hon. George
Villiers, Fred.
Villiers, Thomas H.
Walrond, Bethel
Warburton, Henry
Warre, John A.
Waterpark, Lord
Watson, Hon. Rich.
Wellesley, Hon. W. L.
Wilbraham, George
Wilde, Thomas
Williams, Sir J.
Williams, W. A.
Williamson, Sir H.
Willoughby, Sir H.
Wood, Charles
Wood, John
Wood, Ald. Matthew
Wrottesley, Sir J.

SCOTLAND.

Adam, Admiral
Dixon, Joseph
Ferguson, Robert
Fergusson, R. C.
Grant, Rt. Hon. C.
Haliburton. Hn. D.G.
Jeffrey, Rt. Hon. F.
Johnstone, Andrew
Johnstone, James
Kennedy, Thomas F.
Mackenzie, Stewart
M'Leod, R.
Morison, John
Stewart, Sir M. S.

IRELAND.

Belfast, Earl of
Bellew, Sir P.
Boyle, Hon. John
Brabazon, Viscount
Browne, John
Browne, Dominick
Burke, Sir J.
Callaghan, D.
Carew, R. S.
Chapman, M. L.
Chichester, Sir A.
Clifford, Sir A.
Doyle, Sir J. M.
French, A.
Grattan, H.
Grattan, J.
Hill, Lord G. A.
Hort, Sir W.
Howard, R.
Jephson, C. D. O.
Killeen, Lord
King, Hon. R.
Lamb, Hon. G.
Lambert, H.
Leader, N. P.
Macnamara, W.
Mullins, F.
O'Connor, Don
O'Ferrall, R. M.
O'Grady, Hon. Col.
Ponsonby, Hon. G.
Power, R.
Russell, J.
Sheil, R. L.
Wallace, T.
Westenra, Hon. H.
White, S.
Wyse, T.

TELLERS.

Duncannon, Visc.
Rice, Rt. Hon. T. S

List of the AYES.

ENGLAND.

A'Court, Capt. E. H.
Alexander, James
Alexander, J. du Pre
Antrobus, Gibbs C.
Ashley, Lord
Ashley, Hon. H.
Ashley, Hon. John
Astell, Wm.
Astley, Sir J.
Apsley, Lord
Attwood, Matthias
Baldwin, Charles B.
Bankes, George
Bankes, Wm. J.
Baring, Alexander
Baring, Henry B.
Bayntun, S. A.
Beckett, Rt. Hn. Sir J.
Beresford, Col. M.
Best, Hon. Wm. S.
Boldero, F. G.
Brogden, James
Buck, L. W.
Burge, William
Burrard, George
Burton, H.
Buxton, John J.
Capel, John
Cecil, Lord Thomas
Chandos, Marq. of
Cholmondeley, Ld. S.
Churchill, Lord C.
Clive, Hon. R. H. H.
Clive, Henry
Cockburn, Sir G.
Constable, Sir T. A.
Cooper, Hon. A. A.
Courtenay, T. P.
Curzon, Hon. R.
Cust, Hon. Col. Ed.
Cust, Hon. Capt. P.
Cripps, J.
Dawkins, James
Dawson, Rt. Hn. G.
Denison, J. E.
Dick, Quintin
Domville, Sir C.
Drake, Thomas T.
Drake, Col. Wm. T.
Dugdale, Wm. S.
East, James B.

Eastnor, Viscount
Eliot, Lord
Estcourt, T. G. B.
Fane, Hon. Henry
Farrand, Robert
Fitzroy, Hon. H
Foley, Edw. T.
Forbes, Sir C.
Forester, Hon. G.
Fox, Sackville Lane
Fremantle, Sir T.
Freshfield, James W.
Goulburn, Rt. Hn. H.
Gordon, Col. John
Graham, Marquess
Grant, Gen. Sir C.
Grimston, Viscount
Godson, R.
Green, T.
Halse, J.
Hardinge, Sir H.
Herbert, Hon. E. C. H.
Hill, Sir R.
Hodgson, Fred.
Holdsworth, A. H.
Holmes, William
Hope, Henry T.
Hope, John T.
Hotham, Lord
Inglis, Sir R. H.
Irving, John
Jenkins, Richard
Jolliffe, Sir W. G. H.
Jones, T.
Kearsley, John H.
Kenyon, Hon. Lloyd
Kilderbee, Spencer H.
Knight, J. L.
Lascelles, Hon. W.
Lee, L.
Loughborough, Lord
Lowther, Lord
Lowther, Hon. Col. H.
Lowther, John H.
Luttrell, John F.
Lyon, David
Lyon, Wm.
Mackillop, James
Mackinnon, Wm. A.
Mahon, Viscount
Mandeville, Viscount
Martin, Sir Byam
Mayhew, W.
Mexborough, Earl of
Miles, Philip J.
Miles, William
Miller, W. H.
Mount, W.
Neeld, Jos.
Nugent, Sir G.
Palmer, R.
Pearse, John
Peel, Rt. Hon. Sir R.
Peel, Col. Jonathan
Peel, Edm.
Peel, Wm. Y.
Pelham, J. C.
Pemberton, Thos.
Penruddocke, John H.
Perceval, Spencer
Phipps, Hon. Gen. E.
Pigott, G. G. W.
Pollington, Visc.
Pollock, Fred.
Porchester, Lord
Powell, Col. W. E.
Praed, Winthrop M.
Price, Richard
Pringle, Sir W. H.
Rickford, W.
Roberts, Wilson A.
Robinson, G. W.
Rose, Rt. Hn. Sir G.
Rose, Capt. Pitt
Ross, Chas.
Russell, C.
Ryder, Hon. G.
Sadler, Michael T.
Scarlett, Sir James
Scott, Sir Samuel
Seymour, Horace B.
Sibthorp, Col. C. D. W.
Smith, Abel
Smith, Samuel
Somerset, Lord Gran.
Stewart, Chas.
Stormont, Viscount
St. Paul, Sir H. D.
Sugden, Sir Edw. B.
Thompson, Alderman
Thyne, Lord Edw.
Thynne, Lord H. F.
Thynne, Lord John
Trench, Sir F.
Trevor, Hon. Arthur
Tunno, Edward R.
Ure, Masterton
Villiers, Viscount
Vyvyan, Sir Richard
Wall, Charles B.
Walsh, Sir J. B.
Welby, Glynne E.
West, F. H.
Wetherell, Sir C.
Wood, Col. T.
Wortley, Hon. J. S.
Wrangham, Digby C.
Wyndham, Wadham
Wynn, C. W. G.

SCOTLAND.

Blair, William
Dalrymple, Sir A.
Douglas, W. B. K.
Dundas, Robert A.
Gordon, Hn. Capt. W.
Graham, Lord M. W.
Murray, Rt. Hn. G.
Pringle, Alexander
Scott, H. F.

IRELAND.

Bateson, Sir R.
Brydges, Sir John
Blaney, Hon. Capt. C.
Castlereagh, Visc.
Clements, Col. J. M.
Cole, Lord
Cole, Hon. A.
Cooper, Edward J.
Corry, Hon. H. L.
Ferrard, Walter
Fitzgerald, Sir Aug.
Handcock, Richard
Hayes, Sir E.
Ingestre, Viscount
Jones, Capt. T.
Knox, Hon. Col. J. J.
Lefroy, Anthony
Lefroy, Dr. Thomas
Meynell, Capt. H.
Parnell, Sir H.
Perceval, Colonel
Rae, Sir W.
Tullamore, Lord
Wynne, John
Young, John

TELLERS.

Croker, Rt. Hon J.W
Herries, Rt. Hon. J.C.

PAIRED OFF.

For the Amendment.	*Against the Amendment.*
Yorke, Capt.	Beaumont, T. W.
Gordon, Hon. Capt.	Robinson, Sir G.
Williams, T. P.	Lennox, Lord G.
Wynn, Rt. Hon. C.	Whitbread, W.
Valletort, Lord	Phillips, C. M.
Rogers, E.	Noel, Sir E.
Polhill, Capt.	Palmer, C. F.
Conolly, Col.	Stanley, Lord
Estcourt, T. H. S. B.	Slaney, R. A.
Bruce, C. C.	Heron, Sir R.
Cooke, Sir H.	Vincent, Sir F.
Atkins, Alderman	Morison, J.
Wynn, Sir Watkin	Rider, T.
Kerrison, Sir E.	Uxbridge, Lord
Vaughan, J. C.	Milton, Lord
Warrender, Sir G.	Burdett, Sir F.
Wigram, Wm.	Ramsbottom, J.
Peach, A. W.	Gurney, R.
Gordon, Captain	Tavistock, Marquess
Worcester, Marquess	Gurney, Hudson
Nichol, Rt. Hon. Sir J.	Coke, T. W.

The House then went into Committee, *pro formâ*. The House resumed—Committee to sit again on Monday.

HOUSE OF LORDS,

Friday, July 13, 1832.

MINUTES.] Petition presented. By Lord SUFFIELD, from a Congregation of Protestant Dissenters, Mile End Road, for the Abolition of Slavery.

PARLIAMENTARY REFORM—BILL FOR SCOTLAND—THIRD READING.] Earl Grey having moved that this Bill be read a Third Time,

The Lord Chancellor proposed an Amendment for the purpose of settling more precisely where the poll was to be taken in the islands of Orkney and Shetland.

Amendment agreed to.

The Earl of *Fife* could not neglect taking that, the last opportunity, of declaring his opinion in favour of the measure, which, despite of all the harsh epithets applied to it, he conscientiously believed would be attended with immense benefit to the condition and interests of that part of the empire with which he was so intimately connected. The ground on which the noble Lords on the other side opposed the Bill, was, that it effected too great a change in the Constitution; but Lord Bacon had stated, upwards of 200 years ago, that great changes must be made, both in the civil and ecclesiastical Constitution, to get rid of the evils which time was continually engendering. Every Session of Parliament new laws were made, and every new law was more or less a change. At the beginning of every reign, the monarch generally sought to recommend himself to his people by some improvements, and it surprised him to hear noble Lords opposite object to his present Majesty following, in this respect, the example of all his ancestors. By such successive changes the Constitution had been so altered, that it was not the same at different periods; and, like the ship of Theseus, which was so often repaired before he returned from his voyage, that the sophists of Greece denied that it was the same ship; so our Constitution had been so altered at different times, that its identity was a matter of doubt. Kingdoms rose and fell, and constitutions followed them. In the immense manufactures of this country, how many parts were continually requiring repair, and how much was the genius of the people employed in renewing, repairing, and improving all the parts; and could it then be supposed that the constitution of Parliament was the only perfect creation, the only thing that never needed Reform? The rise of our manufactures had called a new class of men into existence; they possessed great wealth and power; they were not represented in Parliament; and, contributing to uphold the monarchy by their genius and their wealth, it would be an act of injustice, of which he was sure their Lordships would not be guilty, to withhold the franchise from such valuable portions of the community. He had presented many petitions from the increasing population of Scotland in favour of Reform, and he could assure their Lordships, that, in no part of the empire was Reform more warmly demanded, more needed, or would be better used. It was said, that Scotland had not suffered under the old system, but this was a mistake. He could at least assure their Lordships that such was not the opinion of the people of Scotland, and he could satisfy their Lordships of the fact by undoubted authority. The noble Earl quoted Mr. Chalmers work on the Customs and Manners of Scotland, to show what was the opinion of the people, and concluded by saying, that the Conservative system had been attended with the worst effects in Scotland, and he, for one, must protest against the unfounded doctrine, that the extension of popular rights was the destruction of the prerogatives of the Crown.

The Bill read a third time.

On the question that the Bill do pass,

The Earl of *Haddington* said, although he was perfectly sure, from the situation in which the House had been lately placed, that opposition to this Bill was a mere farce, yet, before the Bill passed, he was desirous to say a few words in justification of the negative which he intended to give to this question. He had no objection to this Bill as far as its enfranchising clauses went; but he did object to the disfranchising portion of it, since no compensation was allowed to those who were disfranchised. On the framing of this Bill, justice had not been done to Scotland, nor had the peculiar circumstances in which Scotland stood, been duly considered. A system of county Representation might have been devised much more consistent with the state of property in Scotland. With respect to the elective franchise, land might have been separated from the houses, and a much sounder and more respectable constituency might, by that means, have been created. Great injustice had been done to the landed interest, by taking from the superiorities the valuable incident of the vote, without any compensation being allowed. He would not enter at present into the various other objections to the Bill—such as the imposing of new political duties on Sheriffs, so as to considerably trench upon their judicial functions—the wide doors which would be opened for fraudulent practices, in the valuation of small portions of land, and the registration of votes—the litigation which would arise, and the bribery and corruption which would be created, where no such things were known before. It had been said, that Scotland had flourished, not in consequence of, but in spite of, the old system of Representation. It had, however, flourished, and he only wished that it might do as well under the new system. When the Bill should pass, he would move that the time for entering dissent on the Journals, might be enlarged till Monday.

The *Lord Chancellor*, before the Bill passed, thought himself bound to say a few words relative to the highly praiseworthy conduct of the Scottish Boundary Commissioners. These gentlemen, belonging to a laborious profession, which demanded the strictest attention, had not scrupled, from the purest public motives, to sacrifice their valuable time and labour, and even the relaxation of their summer vacation last year, to the due settlement of these boundaries. This merit, however, they only shared with the English Commissioners, but, in consequence of some alteration in the views of Government, it became necessary that those gentlemen should visit the several districts again, and they had visited them in the month of December, going even to the most northern districts of the country; and such was the skill, labour, and strict impartiality, with which they had performed their functions, that, after the most zealous scrutiny of their reports on both sides, in the other House of Parliament, it was agreed that the substance of them should be embodied, by way of schedule, in the present Bill, instead of passing a separate Boundary Bill, as had been done with respect to England. Add to this, that they had performed the duty without preferring any claim to compensation.

The Duke of *Buccleugh* wished to say a few words in justification of his opposition to the Bill—more particularly as he was about to leave town almost immediately, and should have no opportunity of signing a protest. He was surprised to see how little justice was done by this Bill to Scotland, the interests of which he was bound to protect, not merely as a Member of their Lordships' House, but as one of those who were peculiarly connected with that country. He proposed to found the franchise on population and revenue; and, on that principle, Scotland, instead of eight additional Members, ought to have eighteen. He was aware in what a situation the House stood in regard to these Reform Bills; but, as for himself, he had acted independently, although he doubted whether he was a Member of an independent House; but, if the House were not at present independent, he hoped that it would not be long before it resumed its independence. He wished that the new system might work well; and now, since the Bill must pass, he would use his endeavour to make it as practically beneficial as possible, and to allay the feverish agitation which had but too long prevailed on the subject.

Bill passed.

HOUSE OF COMMONS,
Friday, July 13, 1832.

MINUTES.] Bills. Read a second time:—Land Tax Commissioners.—Read a third time:—Tithe Prescription; Linen Manufactures (Ireland).

Petitions presented. By Mr. KENNEDY, from Dalkeith, for speedily passing the Scotch and Irish Reform Bills.—By Mr. LAMBERT, from New Ross;—by Mr. HUME, from Dudley;—by Mr. SHEIL, from Bradford (Wilts); and two Places in Ireland; and from the Glasgow North-West Political Union,—for an equal and efficient Reform to Ireland.—By Mr. SHEIL, from the National Political Union, and two Places in Ireland;—by Mr. LAMBERT, from the Political Union of Edermine;—by Lord MORPETH, from the Unitarians of Thorne and Stainforth, and from Dundalk,—in favour of the Ministerial Plan of Education (Ireland).—By Mr. RIGBY WASON, from the County of Suffolk, for holding the Assizes alternately at Bury St. Edmund's and at Ipswich.—By Mr. LAMBERT, from three Places in Ireland;—by Mr. SHEIL, from Lorha, Durrow, and Louth; and by Mr. HUME, from Myross,—against Tithes.—By Mr. LAMBERT, from Lutterworth, against the Punishment of Death.—By Lord GEORGE BENTINCK, from King's Lynn;—by Lord MORPETH, from Bradford (York);—by Mr. HUME, from St. John's, Hackney;—by Earl GROSVENOR, from Stockport,—against the Vagrants (Scotland and Ireland) Removal Bill.—By Mr. HUME, from forty-six Places; and by Mr. SHEIL, from Louth, for Stopping the Supplies.—By Sir THOMAS BARING, from Winchester, for the better Observance of the Sabbath Day.—By Lord ASHLEY, from Dorset, against the Coroners' Bill.—By Mr. HUME, from the Coach Manufacturers of Glasgow, against the Steam Carriages Bill; from Marylebone, St. Pancras, and Paddington, for Extending the Time for Registering Voters under the Reform Bill; and from Birmingham, against the Newspaper Stamp and Paper Duties.

FRANCHISE UNDER THE REFORM BILL.] Mr. *Hume*, on presenting Petitions from Marylebone and other places, complaining that from the late period at which the Reform Bill had passed, a great number of voters would be disfranchised by the non-payment of the rates at the time specified in the Bill, said, he wished the noble Lord would inform the House whether any remedy could be provided for this mischief.

Lord *Althorp* had heard of the cases mentioned by his hon. friend, and had received several communications respecting it. He must observe, that this was a question which had not passed, *sub silentio*, in the House; but, on the contrary, it was one which had been much discussed, and therefore he did not think that any parties could be justified in stating that they had been taken by surprise. His right hon. friend, the member for Montgomeryshire, had specifically mentioned that this clause might deprive many of the exercise of this franchise, and this he (Lord Althorp) mentioned, to show that the question had undergone discussion. The question had, in fact, been much mooted, and the provision that every rate-payer must have paid the rates due and payable up to the 6th of April, on or before the 20th of July, was as well and fully known as any other provision in the Bill. The only portion of the Bill which his Majesty had authority to alter, was that relative to the periods for making out the lists, and serving the requisite notices, and this had been done by the Order in Council. The only answer he could then give to his hon. friend was, that he should much regret if any voters were disappointed; but it was out of the power either of his Majesty, or even Parliament, to make any alteration in this respect, as there was no clause to enable the Bill to be amended during the present Session of Parliament. He must also add, that he did not believe that the inconvenience would at all be to the extent which had been stated; for it would be recollected that there was at least an interval of three weeks between the giving of the Royal Assent to the Bill and the period up to which the rate might be paid.

BRIBERY AND CORRUPTION.] Mr. *Pringle* was anxious to learn from the noble Lord opposite whether the Government intended to pass the Bribery Bill this Session. That measure was considered absolutely indispensable, in consequence of the gross and shameful scenes which in many parts of Scotland were at present witnessed.

Lord *Althorp* said, it was the fixed determination of Government to do all they could to carry through a Bribery Bill during the present Session.

SINECURES—STIRLING CASTLE.] Mr. *Hume* took that opportunity of asking a question of the noble Lord opposite, on the subject of Military Sinecures. The governorship of Stirling, it was well known, was a sinecure; and as the individual who lately held the appointment was dead, he wished to know whether any one had been appointed in his place. Ministers did not need patronage to enable them to carry on the Government; and as he had always insisted on the abolition of sinecures, he wished that it should be abolished.

Lord *Althorp* was quite aware that the hon. member for Middlesex had uniformly opposed sinecures of all sorts; and when he (Lord Althorp) sate on that side of the House, he had adopted the same line of conduct. Still he was of opinion, that the Crown should not be without the means of rewarding old and efficient servants. He did not see why the old officers of the army should not, in that manner, be properly remunerated.

TITHES (IRELAND)—MINISTERIAL PLAN—ADJOURNED DEBATE.] On the Motion of Mr. Stanley, the Order of the Day for the adjourned debate on the Composition of Tithe (Ireland) Bill, was read.

The Speaker having put the Original Question and the Amendment,

Mr. *Callaghan* said, having been one of those who voted for the adjournment of the debate, he felt it his duty to state his views to the House. He must first deny that the proposed measure was calculated to tranquillize the country, or to settle the tithe question to the satisfaction of the people. From one end of Ireland to the other, there was a general feeling of dissatisfaction at the name of tithes, and a determination that the payment of them should cease. It was perfectly evident to him that the measure would be inefficacious. It was said, that by this Act Government only wished to ascertain the amount of tithes to which the Protestant clergy, by Common Law and by custom, were entitled. To that alone he had no objection, but he was sure the object of the Government would not be obtained. It might be, that in a future Parliament the subject would receive due attention, and, in the mean time, if Government made that declaration, he had no doubt the people of Ireland would pay the tithes, and, until then, rest satisfied. The Composition Act, he knew, was not one that would be attended with severity, but in the present excited state of the people, no persons could be found who would be willing to undertake the risk of going round parishes to value the tithes. He much regretted that feeling, but it was impossible not to perceive that it was very deeply-rooted in the minds of the people. A great deal had been said about the agitators, as they were called, of Ireland. The fact was, that those who were called agitators were far behind the people in regard to their opposition to tithes. Some of the leaders of the agitation system had lately given no advice whatever regarding tithes; indeed the people had gone before them, and refused any longer to receive any advice upon that subject. The people believed, that if this Act passed, they would pay less to the clergy, but that they would pay more to the landlord, and, therefore, they objected to pay, in any shape, to a clergy from whom they received no assistance or benefit whatever, and who were, they believed, generally inimical to them. He did not wish to speak in terms of disrespect of the clergy, but it was notorious that they had been hostile to the feelings of the population, and had interfered with them against their wish, not only as to their education, but as to their civil rights, and had done all they could to abridge their domestic comforts. He was persuaded that this feeling against the clergy had been increased by their interfering with education, and the people's sense of those injuries was so great, that it was utterly impossible to make tithes, in any shape, palatable to them. Those were the precise circumstances in which Ireland now stood. He lived in a parish in which the Tithe Composition Act had been adopted without his consent, and he, for one, thought tithes a cruel robbery. He considered it a cruel robbery that he should be obliged to pay a clergyman from whom he received no benefit, and when he had never willingly promised to pay. He certainly was bound by law to pay them, but he did not pay with any feeling of satisfaction. He did not, however, on that account, bear any ill-will against the clergyman of his parish, with whom he lived on terms of intimacy and friendship. He felt much for the situation in which clergymen were placed, who had a certain portion assigned them by law, but who were now subjected to great difficulties by the almost impossibility of collecting the portion so assigned. The first great anti-tithe meeting took place in his neighbourhood. He could assure the House the feeling had grown up quite simultaneously amongst the people, and had it not been for the Catholic clergy, great disturbances must have taken place. The plan proposed by Government would do nothing to put down the feeling now abroad. It went no further than the law as it at present stood; for the Act was not to come into operation for some time, and he was sure it would be a long time before persons would be got to take the risk of valuing the tithes.

Mr. *William Peel* wished that the hon. Gentleman, and the other Gentlemen who thought with him, would reflect upon their own doctrines respecting vested rights. True it was, they disclaimed all intention of interfering with such rights; but what greater interference with a man's rights could take place than to take away his income?—and that was not only suggested, but proposed by the opponents of this Bill. The Bill itself, though he supported it, was still a measure of injustice to the Irish clergy, because it deprived them of a large per centage, under the pretext of collecting their property. Considering the advantages which the Irish landlords would derive from the Bill, he was surprised at the opposition to it; indeed, he could not understand the votes of several hon. Members from Ireland. There was a report in circulation, and it had obtained some credence, that Government acquired the support of some Irish Members on condition of abandoning this Bill. He hoped there was no truth in the statement; and, indeed, it would be monstrous to suppose that the many meritorious clergymen who were starving in Ireland for want of their incomes, and the many others who were obliged to fly from their parishes, should be any longer left in a state of uncertainty and distress. He hoped the present Session would not pass without the property of the clergy being secured, and laying a foundation for their future protection and security. If the House once allowed the spoliation of tithes, they might rest assured that the next outcry would be against taxes and rent, both of which would be resisted as vehemently as were tithes at present. It had been suggested to postpone this measure until the next (a reformed) Parliament; but to that he objected, because he had not that confidence in a reformed Parliament which would lead him to think, that it would have any very fastidious respect for the rights of property. It was his opinion, and he believed it was the general feeling, that the rights of property would not be held as sacred as they had hitherto been maintained in this country. He believed the right hon. Secretary, however anxious, would be unable to pass the measure; for it was well known that Government had been controlled for the last eighteen months by Political Unions.

Mr. *Benett* was of opinion that tithes were not the property of the clergy, but only a payment assigned them by the State, for the performance of certain duties. The right to this payment was a vested right in each individual member of the Church; but the tithes themselves were the property of the State. He was an old opponent of the tithe system, and the very plan which the right hon. Gentleman now proposed, had been published by him eighteen years ago. He had not, indeed, gone so far as the right hon. Gentleman, for he had taken the tithes as at the same value as the land, and had assigned that value at twenty-seven years' purchase, while the right hon. Gentleman had made a change, which the circumstances of the times rendered necessary, and had fixed their value at sixteen years' purchase. In his opinion, the right hon. Gentleman had given a great boon to the landlords of Ireland. Tithes were, as he said before, the property of the State, and might be disposed of by the State. It was extraordinary to him that the Irish landlords could refuse their assent to so advantageous a scheme as that offered them by the right hon. Gentleman. The plan was one characterised by honour and honesty, as well as liberality. The purchase value proposed was not more than two-thirds of what the Church had a right to receive; but, all circumstances considered, it was, no doubt, fully as much as the right hon. Gentleman had the means to give. He wished not to be misunderstood; he was not for a wealthy provision for a Protestant Church in a Catholic country; but he considered the tithes the property of the State: he said nothing of the distribution of the property, but he thought the property itself, ought to be preserved for public purposes; and he thought the plan proposed by the right hon. Gentleman was the best that could be adopted for that purpose. He should, therefore, give it his cordial support.

Lord *Killeen* was opposed to the Bill, because he had no hope that it would be made to work well, and this he believed was the opinion of all parties. Under all the circumstances he felt called upon to support the Resolutions of the hon. member for Wicklow. He could assure the hon. member for Cambridge University, that there was no truth whatever in the report that the Irish Members had agreed to support Ministers upon another subject, provided the present Bill was abandoned. As a proof of the truth of his statement he would merely refer to the conduct of the right hon. Secretary, in pressing the Bill through the House.

Mr. *John Campbell* preferred the Bill of the right hon. Secretary to the Resolutions which were proposed as an amendment, and he did so for this reason, that the Bill recognized tithes as a property, whilst the Resolutions treated them as a tax, which might be repealed [*no, no*]. He contended that his was the true interpretation of the Resolutions. He had read them attentively, and that was clearly their import. Was it not proposed to abolish them altogether, and substitute another tax, including different kinds of property, not hitherto subject to any payment for tithes? What was this but treating them as a tax, and substituting one species of tax for another? He should never look upon tithes in any other light than as a property, which he should certainly like to see commuted, not only in Ireland, but in England. He gave his cordial assent to the Motion of the right hon. Gentleman.

Mr. *O'Connell:* I rise, Sir, to give my most cordial dissent to the Motion of the right hon. Gentleman, the Secretary for Ireland, and my most hearty concurrence in the excellent Resolutions of my hon. friend, the member for Wicklow. What I have to say on the subject, however, I shall express as briefly as I can, for I do not know anything more idle—I do not know a more contemptible mockery—than the debate which is taking place on this scheme of the right hon. Gentleman. Good God! what is it? It is a discussion in which the state of Ireland is entirely forgotten — in which the conduct of the Government towards Ireland is overlooked—and in which the unanimity of the Irish nation is treated as if it were a combination of tradesmen or mechanics, who had united together for the purpose of robbing their employers. The noble Lord has said, that this is a combination which must be put down; but what I want to know is, whether a whole nation can be guilty of a combination, and whether it can be put down? A little time ago it was disputed whether the people of England were in favour of Reform; but a change in the Administration proved that a vast majority of them were decidedly in favour of it; and, no sooner was that fact evinced, than the demand for Reform became irresistible, in spite of all the resistance of the upper House, and of the Throne itself. To be sure, the people of Ireland have always been treated as provincialists—as colonists; but, if Ireland had a Parliament of its own, I ask, could the present system of tithes exist for an hour? Who are they that oppose the payment of tithes? Not the Catholics alone—not the Presbyterians alone—not the Dissenters alone!—But even the very Protestants of the Church of England have, in great numbers, joined in this combination, as it is called, in the condemnation of a system from which only a part, and that an exceedingly small part, of the people derive profit. When, therefore, we have such a union of sentiment throughout the country, this paltry and pitiful manner shows nothing of the grasp of a statesman, or of the affection of a patriot. How does the right hon. Gentleman propose to remedy his grievance, and restore tranquillity to the country? Why, by keeping up the present enormous Church Establishment in Ireland. This is in perfect keeping with the rest of the right hon. Gentleman's conduct, which has been one career of insult and oppression towards my unfortunate country — of weak vacillation at one time, and of absurd determination at another; at one moment timidly shrinking from the most important topics; and at another exhibiting the most absurd daring, by opposing the fondest and most earnest desires of a whole people. It was rumoured, that when the right hon. Gentleman took office, it was for the express purpose of supporting the interests and freedom of Ireland; and yet, was not one of his very first acts to write a letter, in which he gave a distinct pledge in favour of the Kildare-place Society?

Mr. *Stanley:* That letter has been acted on to the utmost extent to which it was possible to act on it.

Mr. *O'Connell:* I am glad that I have roused the right hon. Gentleman from his torpor, and that he has begun to interrupt me so very soon in my speech. What, however, I say is, that that letter contained a distinct promise, in which, I presume, the right hon. Gentleman was afterwards overruled by the rest of his colleagues, who, no doubt, felt that, after what they had said and done when in opposition, it would be impossible for them to remain in office if they were to act up to the pledge of the right hon. Secretary — but it is not in this alone that the same disposition towards Ireland has been evinced. What has become of the Grand Jury Bill? Lord Leveson Gower pledged himself to the bringing in of that Bill, and I know that he is a nobleman fully capable of vindicating himself from having violated any pledge. When he went out of office it was intrusted to me; it was afterwards taken out of my hands, and passed into the House of Lords; there it has been slumbering ever since before a nameless Committee, for I have not even been able to learn of whom that Committee is composed. And why has this been done? Because, in the eleventh hour, the right hon. Gentleman has thought fit to resort to prosecutions, and because he well knows that, with a new Parliament, and a new Grand Jury Bill, there was no chance of those prosecutions succeeding. Let us remember, too, the way in which those prosecutions have been conducted. I do not hesitate to say, that those charges have been brought forward with an indecency which no Ministers would have ventured to exhibit before the English nation. But, according to the right hon. Gentleman, anything is good enough for Ireland? How has he treated gentlemen in a rank of life nearly, if not quite, equal to his own. Instead of resorting to a summons, as is usual in such cases, he obtained sworn depositions; and on those the sanctity of their houses has been violated, and they themselves dragged through the streets like common felons at the command of the right hon. Gentleman. I do not care to allude to my own case. There is no need of it. Oh, the right hon. Gentleman is very welcome to sneer as much as he pleases; but I would at least venture to take the liberty of asking, whether he imagined that there was any danger of my absconding, when he directed the privacy of my house to be violated by the thief-catchers whom he sent thither? This, too, I will tell him—that though he has thought proper to act thus towards an Irish Member, he would not have dared to have pursued a similar line of conduct towards an English Member of Parliament. But, in return for all this evil, have the Ministers conferred any good on Ireland? They have given us a stingy Reform Bill. Thanks to the people of England, we have got more than was intended; but Heaven only knows what the right hon. Gentleman's colleagues may do in the other

House; for anything we know, it may be referred to a Lords' Committee, like the Grand Jury Bill, and never be heard of more. What is the principle on which the right hon. Gentleman has gone in drawing up this Tithe Bill, which he now offers to the House? His grand principle is, to keep up the present Protestant Church Establishment in Ireland — the most monstrous establishment that ever existed in any Christian country. Not the slightest hope or expectation is held out by him, that that overgrown establishment is to be reduced within the bounds of common sense or utility, and what are the colleagues of the right hon. Gentleman about all this time? Do they suppose that the people of England are indifferent to the question of tithes? Do they suppose that the Dissenters of this country, a numerous and powerful class, have no desire to cease to pay those from whom they get no value in return? Do they imagine that the agriculturists here entertain no wish to diminish the burthen arising from tithes? Do they not think that the people of England will require pledges from the candidates at a new election, that they will assist in reducing the amount of tithes? The right hon. Gentleman must certainly be aware, that this question has begun to be agitated in England. What chance, then, will the ministerial candidates possess, when it is plain, that Government have no intention of reducing the enormous Church Establishment in Ireland, but, on the contrary, have even invented a plan to keep up the burthen of that Church? 9,600,000*l.* is to be accumulated to purchase lands for the clergy. This is the beautiful scheme that is to tranquillise Ireland! This is the chimera which is to satisfy the people. This is the right hon. Gentleman's dream of Irish tranquillity—and, to heighten the effect, he proposes, in order that the affair may be better managed, to place it in the hands of an ecclesiastical corporation. Surely never did madman dream such a dream within the walls of Bedlam. What! does he think the people of Ireland are in love with corporations? If the Irish have any one especial disgust, it is towards corporations. The conduct of these bodies has been peculiarly marked by everything that deserves reprobation—from the lowest species of grovelling corruption to the most palpable and barefaced acts of injustice. They have been only known as the advocates of jobbing and dishonesty, as the opponents of justice and equity, as keeping up public oppression, and inflicting private wrongs, as the destroyers of trade and the promoters of ignorance, and now, to make this tithe bargain more amiable, it is to be embellished by ecclesiastical corporations. Can any thing be worse than this? I now tell the right hon. Gentleman if he wishes to make any bodies odious in Ireland, let him only denominate them corporations and he will completely effect his purpose. But let the House observe the injurious consequences of committing this fund to the guardianship of corporations. Under the existing system there is at least this good, that the Protestant clergyman will oftentimes relieve the distressed and succour the helpless with the money which he receives from the people; once place that money within the iron grasp of a corporation, no motives of compassion, no feelings of humanity can ever induce them to part with the smallest portion of it. A clergyman, like any other man, is open to the better impulses of humanity; and when the Protestant pastor heard of the father of a family having died, the son having fallen sick, and the cattle being diseased, he was ready to listen to the tale of woe, and temper his demand with mercy and with pity. But a corporation cannot do this. A corporation can know neither compassion nor relaxation—and in that respect it seems to bear a resemblance to the right hon. Gentleman himself. Oh, Heavens! what species of government is this, to throw Ireland to his management, as the spoil is thrown to the hounds after the day's hunting is over, to be worried and torn to pieces! But it is said, that the object of this foolish and impracticable scheme is to conciliate Ireland; and the first thing that is done by the right hon. Secretary is, to re-enact the principle of the penal laws, by excluding Catholics from the Committee of Inquiry on Tithes. I did not require that the majority should be Catholic; but I protested against the principle which excluded the Representatives of the Catholic people of Ireland, upon whom the burthen for the most part falls. I know it will be said, the reason of their exclusion was, that they would be naturally opponents to that system; but I would ask, on the other hand, were no declared supporters admitted into the Committee? Was not the hon. member for Tamworth, whose opinions on this subject are well known to the right hon. Gentleman—was he not on the Committee? Was not the hon. member for the Dublin University, who, from his position, is necessarily the advocate of the Church Establishment a member of that Committee? And were there not others on it equally anxious to support the Protestant Church? Then why, in the name of everything that is just, were not those Gentlemen, who really represent the people of Ireland, and with whom the people sympathise, admitted into the Committee? If the majority were not Catholics, surely there was no danger that the friends of the Church would be overpowered. But, Sir, I can guess the reason why Catholics were excluded. The right hon. Gentleman was afraid that they would demand what he had no disposition to grant, and would have come to no conclusion except one founded on the relative proportion of Catholics to Protestants in the different parishes in Ireland. Had I been on the Committee, I should have made inquiries, in order to ascertain the proportion of the two classes—the Catholics and Protestants in each parish, in order to see what the clergyman did for his tithe. When I demanded these returns on a former occasion, I was met by the right hon. Gentleman (who is sometimes very liberal in phrase when it suits his purpose) with this answer — "Does the hon. member for Kerry wish to keep up those distinctions between Protestant and Catholic, which should have been forgotten on the passing of the Relief Bill?" These were the miserable shifts resorted to by that incomparable statesman, when I called for those important documents. Now, with respect to the report, the people of Ireland treated both it and the resolution of the Committee so constituted as I treated them myself—with the most ineffable contempt. I say this, with every respect for the independent Irish Members who happened to be on the Committee; but, I again repeat, that the people beheld with indignation the conduct of the right hon. Gentleman, and the deliberations of his exclusive Committee, and the voice of a whole people was not to be disregarded. The sole aim and object of the Committee was, to keep up the Church Establishment in its present shape, without any diminution of its enormous wealth. I have a document which I will now communicate to the House, and which will at once show the absurd and monstrous injustice of the proposed scheme. This is a return of the relative population of Protestants and Catholics in several parishes in Ireland, during the years 1828 and 1829, and I will, with permission of the House, read it.

No. 1.

Parish.	Diocess.	Catholics.	Protestants
Clare, Galway	Tuam	2,000	—
Moycullen	Same	3,000	—
Annadown*	Same	2,000	—
Kilcummin	Cashel	2,216	—
Kilmoon	Kilmacuagh	769	—
Killany	Same	471	—
Kilaspuglanaru	Same	1,322	—
Kilmeen Union	Ardfert	6,351	—
* A clerk of the church paid, but he is a Catholic.		17,129	

No. 2.

Parish.	Diocess.	Catholics.	Protestants
Blackditches	Dublin	2,980	1
Liskerry	Tuam	2.590	1
Seskiriam	Waterford	3,000	1
Glenmore	Ossory	3,300	1
Kilbannin	Tuam	1,997	1
Balnegare	Elphin	2,210	1
		17,077	6

No. 3.

Parish.	Diocess.	Catholics.	Protestants
Kinvara	Kilmacduagh	4,376	2
Ross	Tuam	5,759	3
Kilgobinet	Waterford	3,079	4
Liscannor	Kilmacduagh	2,576	4
Kilvine	Tuam	3,797	4
Templetopher	Tuam	6,750	8
Adragool	Killala	2,638	12
Ardeak	Meath	3,221	9
Garrunina	Tuam	5,834	12
Emly	Cashel	3,234	12
		41,267	70

No. 4.

Parish.	Diocess.	Catholics.	Protestants
Dunhill	Waterford	5,165	14
Killala	Kilmacduagh	2,760	16
Aglis	Cork	2,535	14
Toonadromin	Same	2,667	12
Glanbegh	Ardfert	4,016	11
Kilteely	Cashel	4,040	15
Drumbane	Same	4,580	17
Ballybricken	Same	2,545	17
Ferriter Union	Ardfert	7,721	18
Dromod	Same	5,391	18
Ballyneale	Waterford	4,281	12
Ratheline	Ardagh	2,726	19
Kilcrohan	Ardfert	3.883	20
Ballyvourney	Cloyne	3,677	16
Ringana	Waterford	2,464	20
Feakle	Killaloe	8,184	16
		66,634	259

In No. 1. there are eight parishes in which there is not a single Protestant, though 17,000 Catholics pay tithes. Not to exclude Protestants altogether, however, I next take six other parishes in which there are some of them to use the church for which the Catholics must pay.

In No. 2. there are just six Protestants to 17,000 Catholics; in the next ten parishes the proportion is somewhat greater.

The summary of the three first tables is this:—In

		Catholics.	Protestants.
No. 1. ..	8 Parishes ..	17,229	0
No. 2. ..	8 Parishes ..	17,077	6
No. 3. ..	10 Parishes ..	41,264	70
	24	75,570	76

Many of these are extensive unions, and, taken at a low average of tithes, glebes, and parish cess, cost more than 500*l.* per annum each; making, in the total for twenty-four parishes, at 500*l.* each, 12,000*l.*; being, for each Protestant of seventy-six Protestants, 157*l.* 17*s.* 10*d.* per annum for his spiritual education. [*A laugh.*] The fourth table of sixteen parishes making in all 66,634 Catholics, 259 Protestants, and, at the same average, 30*l.* 17*s.* 9¾*d* per annum for each Protestant. In one of these returns there is a parish mentioned as containing one Protestant, to which the following curious note is appended—" Not likely to increase being an old man." In addition to these I have another return of eighty-five parishes, only one of which contains more than fifty-two Protestants. This was the system which it was proposed to preserve, and the chief supporter was the right hon. Gentleman opposite. If the last Administration had appointed fourteen Field Marshals, eighteen Generals-in-chief, and some 2,000 Colonels, to an army consisting only of twenty-five men; and if any man had risen up in that House to propose that 6,600,000*l.* be voted for the maintenance of that force, how would he have been treated? But only transfer the scheme to Ireland, and let the right hon. Secretary bring up two or three voluminous reports to make the case complicated and confused, and I have no doubt that the right hon. Secretary will be able to convince the House that twenty-five men is a proper army for so enormous an establishment of officers. Sir, I deeply deplore the conduct which the right hon. Secretary has thought proper to pursue towards Ireland. I will tell the right hon. Gentleman that he is a greater enemy of the Protestant Church than it has amongst its opponents. If he began in time he might have saved the clergy from the ruin in which they are now involved. He might have done last year what he cannot do this, and he may do this year what it will not be in his power to do next. [*Hear, hear.*] My assertions may be ridiculed; I may be sneered at by the right hon. Gentleman; but I solemnly assure this House that no Member amongst them can be more anxious to secure to the existing clergy their vested rights than I am. I am firmly convinced that it can never be done by attempting to exact tithe. Does the right hon. Gentleman imagine that his Composition Bill will fill their bellies? They have law in abundance at present, and to give them more law, is to give them nothing but a mouthful of moonshine. It will never fill their bellies. To make a commutation of tithes imperative, is a scheme equally unjust, ineffective, and absurd. Yet, while the right hon. Gentleman pretends to do away with the tithe system, he attempts by a juggle to uphold as great an abuse, only under another name. The clergy at present, are in the greatest distress, and all but the right hon. Gentleman feel for them. Why, we all know that men of large nominal incomes are now obliged to borrow 5*l.* or 10*l.*, to live from day to day. We all know they are in a situation which calls for our pity and compassion. And in consideration of their condition, what does the right hon. Gentleman propose to do? Why, he says he will give them some more law, as if there was not law enough already. Would it not have been better if the Ministers had come down to the House with a vote of credit? Would it not have been better if they had asked for so many Exchequer bills, to be placed at their disposal, to repay which an abundant supply would have been found in the property tax, which must be adopted when we really come to an arrangement of the tithes? If this had been proposed, no one would have been more ready than myself to have concurred in the vote, in order that relief might be afforded to those whose case will only be aggravated by the present plan of the right hon. Gentleman. Does he suppose that the prosecutions to which he has now resorted will serve instead of Exchequer bills, and intimidate people into the payment of tithes? If he does, I can tell him that he is mistaken; I can tell him, that these prosecutions are only playing with the ashes thrown from the volcano, while the volcano itself is boiling for another eruption, which is likely, for aught I know, to overwhelm those who are amusing themselves by looking at its former devastations. Neither let it be said, that in opposing the right hon. Gentleman's scheme we offer nothing in return. What do we propose? We propose to quiet the people of Ireland, by telling them that tithes are extinguished. The report of the Committee has already told them so in name; but we would tell them so in reality, and prevent that report being a mockery. But perhaps we shall be told, that we cannot extinguish tithes, because they are the property of other persons. I do not admit this, and I will tell the House why. If the landowner does not choose to till his land, he will have no tithe to pay; the tithe, therefore, clearly is a tax on the use of the land; and it is remarkable, that the raw material pays nothing towards that tax. In short, like many other taxes, it is paid by the consumer of the article. The effect of tithes is, to make provisions dearer; and, consequently, every man who eats, pays his portion of the tithe. At first the landlord, the tenant, and the public would mutually gain by the extinction; but, in a few years, the public would be the sole gainers. Ireland is essentially an agricultural country. Prior to the year 1799, many of her inhabitants were employed in manufactures; the loom in the north, and the woollen trade in the south, supplied occupation for thousands. The effect of the Union, however, has been, to send nine-tenths of the rent of the soil out of the country, into the pockets of absentees; and the consequence of this has been, almost entirely to annihilate the manufactures of Ireland. I have stated these facts, to show that Ireland is now essentially an agricultural country. I, therefore, now call on this House to untax the agriculture of the country, and to lay on property in general, that which so severely oppresses the farmer. It is the severity of this burden which is sufficient to account for the combination which at present exists in that country. This is no party matter. In the south of Ireland, many of those who used formerly to be the leaders of the Orangemen, are now in the field, for the purpose of obtaining the abolition of tithes; and I know that the Presbyterians of the north, when quitting Ireland for foreign shores, though they wrung their hands for sorrow at quitting a country they loved so well, consoled themselves with the expression, "Blessed be the Lord, we are going to a country where we shall have to pay no tithes." The first part of the plan of the right hon. Gentleman is, to make commutation universal throughout Ireland. Now nothing has been so useful as this commutation; but not so to the people. At first, it seemed to hold out relief to the small farmers, and they joined the clergy in carrying it into effect. But there was hardly any necessity for this union, because the vestry commanded the commutation, and the clergy commanded the vestry, by means of having the gift of endless jobs in their own hands. Why, Sir, I actually know of one parish, in which the church has been rebuilt three times within twenty years, and it is now on the point of being built again a fourth time; and, therefore, as long as the clergyman can accomplish such things as these, there is little danger of a commutation being refused. Besides which, a commutation can only commence with the consent of the clergyman; so that, in fact, the power is given all on one side, and the clergy have exercised it over two-thirds of Ireland. Nor is this all. The courts of law have always been with them, for the Judges have always seemed to think, that the way to save their souls was by deciding in favour of the Church. We have heard a great deal about reverence for the ermine; but were I to detail only a few of those decisions, I think that that reverence would soon vanish, and would be succeeded by a feeling of a very different nature. Though the small farmers were, at first, in favour of commutation, they very soon began to discover their mistake. Under the former system, when there was a bad crop, at any rate the clergyman's share diminished; when the crop failed, the clergyman lost all; but now, under this commutation the clergyman loses nothing. They also get paid twice a-year, whereas, formerly they were paid only once; and that at the time when the farmer had housed his harvest, and had everything ready for market. See, then, the difference of the present system Now, with ever so bad a harvest, the farmer pays the same amount of commutation; and half that commutation is demanded at the very period when he has nothing to sell, and when the driver is sent down upon him, whose fees frequently amount to far more than the whole of the tithes. But what can the right hon. Gentleman know of all this? He has spent half a dozen or a dozen, or, perhaps, fifty days in Ireland; and does he suppose that that will give him sufficient experience to comprehend the domestic condition of that country? As a fester on the body commences in a small, and, perhaps, almost imperceptible spot, and extends, by degrees, till it contaminates the whole human frame, so has the disease of Ireland spread, from county to county, till it is now nearly at its height. Men, most respectable in character, cannot get even their grass cut, because they have ventured to pay tithes; the mail contractors cannot get their coaches horsed for the same reason. The state of Ireland is frightful—the state of the clergy is afflicting: this question deeply interests the finest people on the face of the globe—a people great in their character, though, even yet, merry in their misfortunes. But can I believe that this is the case, when I look around me? What do I see—not more than five-and-twenty English Gentlemen who will take the trouble of listening to a debate of such vital importance to Ireland. The matter is settled, the question is determined, and the right hon. Gentleman is as sure of carrying his point, as the gamester of winning with a loaded die; he has the loaded die; but, for all that, I tell him the whole is not lost—I tell him the people of Ireland shall remain quiet, and triumph in their quiescence: they were able to triumph over Wellington of Waterloo, and they are not to be put down by an Irish Secretary. What possible benefit the right hon. Gentleman can expect from this Bill, I am utterly at a loss to conceive. Will it appease the two-thirds of Ireland that are already in commutation, to learn that the other one-third is to be put in commutation also? Will it make them more tranquil? I tell him that it will not: all the Representatives of Ireland tell him that it will not; and yet he desperately determines to try the experiment, in spite of all warning. How will he render his Bill effective? Will he introduce a clause to compel the people to cut hay, or purchase tithe pigs? Will he do this? If he does not, I tell him his tithe bills are so much waste paper, and that he is only throwing stones against the wind. Will he stop the mountain torrent? The people of Ireland, I tell him, are determined to get rid of tithes, and, let the right hon. Secretary legislate as he choose, they will get rid of them. They will imitate, in this respect, the people of Scotland, who, in spite of the persecutions of men, (whose names are now blasted with the eternal execration of mankind) more bloody—for bloodshed was at that period the fashion—but not more infatuated than the right hon. Secretary—persevered until they obtained their object. But, not content with his Composition Act, the right hon. Gentleman has another plan, quite as admirable as his first. He proposes to make the landlords of Ireland his receivers. But does he know that many of those landlords are deeply in debt? Did he ever hear of one instance (surely it seems to me as if that instance had come from himself) in which a gentleman of 10,000*l.* a-year had a charge of 9,500*l.* on his estate? And would he put his tithe charge on that? If he would, the gentleman had better at once make him a present of the estate, and wash his hands of it. But, perhaps, the right hon. Gentleman intends to spread the tithe over the whole estate, including the charges: if so, it only shows the entire ignorance in which he is legislating for Ireland. Did he ever hear of the process of *custodium*, in Ireland? Does he know, that an estate may be seven, eight, nine deep in *custodium*, and that the creditors are obliged to scramble, and do the best they can? I myself knew a property on which there were eleven custodees, with the landlord himself in receipt of the rent as second custodee; and, under such circumstances as these, I should like to know where the tithe money is to come from? Does the right hon. Gentleman also know, that there are in the Irish law what are called *elegits*, which will stand in the way of the tithe charge? Does he know that there are trespassers in possession of estates? Does he know that there are overholding tenants? These are things, I imagine, none of which have entered into the right hon. Gentleman's philosophy; and, I suppose, I might as well talk Arabic to him as mention them; and yet every one of these are necessary ingredients in the great revolution of property, which he is suggesting to the House. If it be the right hon. Gentleman's intention to invent a scheme, for the purpose of throwing the landlords into the hands of the people, and for making Whitefeet and Blackfeet of the gentry of Ireland, with all his ingenuity he could never have discovered a plan better suited for the purpose than this. It would be idle to threaten the Government, I am the last man in the world to attempt it; but I should be wanting in my duty to my country, if I were not to tell the right hon. Secretary, that it is not in the power of England to put down the combination in Ireland. He may make it disappear for a day, he may make it hide its proscribed head for a night; but, in spite of every effort, it will come back with redoubled force; it will come, too, in a more formidable shape, and it will do the more mischief in proportion as it accumulates; until at length, those who now distinguish between the tithes, as an odious tax, and the rational rights of property, will forget that distinction, and threaten the very elements of society with destruction, while the right hon. Gentleman is talking, and laying down his notions of right and wrong, in his Tithe Committees. What I chiefly desire is, that the people of England should fully understand what it is that we propose. We propose the abolition of tithes; we propose to respect the vested interests of the present incumbents; we do not even want to strike a single shilling a-year off the income of the present Protestant clergy. The right hon. Secretary has it in his power to make that bargain now; but he will not be able to do so next year. I would give the present clergy the full amount of their livings. Justice and humanity require this; but I would not continue, after their deaths, to pay enormous incomes to those who have no spiritual duties to perform. I also propose to levy a tax on all property, landed, personal, and funded, for I see no distinction between them, for the purposes of religion and charity. By religion, I do not mean the Established Church, or any particular Church; but I mean, to a certain extent, every Church; and, without doubt, the Established Church included among the rest; because the Protestant people of Ireland are, from their habits, peculiarly entitled to have their clergy paid out of the fund. A small glebe of ground might, I think, with advantage, be given to the pastors of each, of such a value as would prevent any necessity for their pandering to the passions of their parishioners for support, but which would not place them above the necessity of performing their duty satisfactorily. I am a decided enemy to the introduction of Poor laws into Ireland; but I am a decided friend to those charities, from the establishment of which no evil consequences can flow; I mean institutions for relief of all sick, wounded, and diseased persons—of all those who have any visitations of Providence upon them. To relieve this description of persons, the counties of Ireland are already heavily burthened. By the plan proposed, the counties would be exonerated from this expense, which would be thrown upon the tax to which I have alluded, and thus considerable relief would be afforded to the whole country. The hon. and learned Member concluded by imploring the Government not to press forward their proposed measures, in the present advanced stage of the Session, but to postpone them till the meeting of a new Parliament, and, in the meantime, to take a vote of credit, for the purpose of relieving the distressed Protestant clergy. If the right hon. Secretary had the interest of the clergy at heart, he would adopt that course, and he would then meet with the disinterested support of every man who represented the people of Ireland.

Lord *John Russell* said, that if the object which the hon. and learned Member had at heart was conciliation, the course which he had adopted that night was ill calculated to attain it. He was one of those who had voted for Catholic emancipation, because he thought that all classes of his Majesty's subjects ought to be placed on a footing of equality: but he had never anticipated that that equality was to be converted into tyranny, and that those who had been admitted into all the privileges of the British Constitution, should make so bad a use of those privileges as to become, in their turn, the oppressors of a once dominant and intolerant party. Yet it was impossible not to see, that it was the object of a certain party in Ireland to obtain, not by legislative means, legislative remedies for what they conceived to be grievances, but by means of force and violence; and then to compel the Legislature to follow in the wake of that violence. Such conduct was injurious, not only to Ireland, but to the prosperity and order of the whole empire. It was undoubtedly a great honour to sit in the Legislature of this country; but, if ever it should be degraded to so low a point as to be compelled to give a blind and truckling acquiescence in illegal and unconstitutional mandates, it would be far more honourable to till the ground, in the most humble capacity, than be a member of that Legislature whose every act must carry with it degradation and dishonour. The hon. and learned Gentleman opposite had thought proper to make use of very harsh terms towards his right hon. friend (Mr. Stanley). No person who knew that right hon. Gentleman could doubt his capacity for any situation of eminence to which he might be called in this country. It might be a question, whether the right hon. Gentleman was pursuing a true course of policy with respect to Ireland; but what man, speaking with candour—speaking with the hope of impressing upon the people of England a conviction of his sincerity, would say, as the hon. member for Kerry had, that "Ireland had been delivered to his right hon. friend, like a spoil to the hunting dogs, to be worried and torn to pieces." The hon. and learned Member had attributed to his right hon. friend a total disregard of the sufferings of a class of men for whose welfare he had always felt the most powerful interest. It certainly appeared to him, that the opinions avowed by the hon. and learned Member were not consistent with a sincere desire of bringing the question at issue to a satisfactory settlement. With regard to the question more immediately before the House, he had listened to the various speeches made by the Representatives of Ireland, in the hope that some way would be discovered of conciliating the differences that existed, and of obtaining that which was most desirable, namely, a fair measure of justice for the Irish Church, together with something which those Representatives might deem calculated to secure the permanent prosperity and tranquillity of Ireland. He was sorry, however, to find, that he was so far disappointed as not to be able to see how, by any alteration of the proposal of his right hon. friend, such a result was likely to be effected. The first question, as to whether tithes could continue in their present shape, he understood to be by common consent, abandoned on all sides. This being disposed of, two other questions next presented themselves; the first, whether any other income could be substituted for the present, and the second, to what purpose the money so obtained ought to be applied. As to the first of these questions, he must say, that it seemed to him, that the Representatives of Ireland gave an importance to it which it did not truly possess, and that the real difficulty lay in the second of these questions. It had been proposed that, instead of a tithe composition, there should be a land tax instituted on a new valuation; but when it was asked, what were to be the details of this measure, and how it was to be carried into effect with more satisfaction to the people of Ireland, it clearly appeared, that a tithe composition, if fairly established, would prove more effective than any land tax. By this composition, all grinding exactions of tithe would be got rid of, and the income of the clergyman being permanently fixed, there would be no raising it from year to year, or introduction of fresh demands, which, under the present system, had caused so much complaint. Having disposed of this question of a land tax, he now came to consider what were the other points of difference between the plan of the Government and the Resolutions of the hon. member for Meath. The hon. Member stated in those Resolutions, that tithes ought to be extinguished in substance as well as in name; and he was prepared to contend, that the Bill of his right hon. friend would substantially extinguish tithes; and, therefore, in that respect, there was no matter at issue between the two parties. But the Resolutions of the hon. Gentleman then went on to state, in a sort of parenthesis as it were, that the Church of Ireland ought to cease to exist. This, indeed, was a considerable difference; and he had been puzzled with the vagueness and the want of intelligibility in the Resolution, until he found that the vacuum was supplied by the evidence of Dr. Doyle before the Tithe Committee. On consulting that evidence, he perceived that Dr. Doyle had made this statement: 'I think 'the tithing system ought to be for ever 'and utterly abolished, and a land tax, 'not exceeding one-tenth, substituted in 'its place; the produce of which tax, 'as well as the Church lands, should be 'placed at the disposal of Parliament, or 'of a Royal Commission, to enable them 'to supply what was necessary for the 'support of the poor, for the assistance of 'the ministers of religion, for the education 'of the children, and for the promotion of 'works of public necessity or of national 'improvement.' He did not think that it was a seasonable time to discuss the plan of Dr. Doyle or the proposition of the hon. and learned Gentleman, the member for Kerry. Considering that this was a question of tithes, and that we were now far advanced in the month of July, the House would pledge itself unnecessarily, and would involve the three branches of the Legislature in some difficulty by agreeing to a Resolution, of which the effect was, that the Church of Ireland ought to be abolished, and that its funds ought to be applied to public purposes. As reference had been made by the hon. and learned member for Louth, to a vote which he (Lord John Russell) gave in the year 1824, when the question was, whether the Church of Ireland had not a greater number of Ministers, and a larger amount of revenue, than the interests of the Protestant religion required, he must say that, although he might not now approve of the form in which that vote was made, he was still of the same opinion; and he thought that the Protestant Church of Ireland was too large, not only for the purpose of giving instruction to that part of the population of Ireland which professed the Protestant faith, but he thought it too large for its own permanent stability. Therefore, whenever the question might arise in its proper day, and at its appointed time, he should be ready to maintain the views which he had formerly expressed. It was certainly the opinion which he had always held, that it was the duty of the Legislature to provide for the religious and moral instruction of the people of Ireland, in a way in which that had never yet been done. What was intended by our ancestors in the establishment of the Church of Ireland for religious and moral purposes had not answered that end: and, as the Legislature had now to consider anew in what way that end might best be attained, it was bound to respect (as he believed every Member of that House was ready to respect) the rights of those who had existing interests in the present arrangements. Preserving to the Church those rights of property which it justly claimed, the Legislature might provide for its future welfare, at the same time that it would deliver the people of Ireland from the state of ignorance in which they were proved to be by the daily accounts received from the newspapers, or from other sources of information. To that ignorance he attributed all the evils by which Ireland was afflicted; and until effectual measures were taken to educate the people, it was vain to legislate for the preservation of property, or for the maintenance of peace, good order, and tranquillity in that country.

Mr. *Lefroy* would most heartily cheer the sentiments which had just been uttered by the noble Lord; and, in giving them his cordial approbation and concurrence, he could not but indulge a hope, that they were the sentiments likewise of his Majesty's Government. He felt convinced that they were the sentiments of every man who was a friend to social order, to the rights of property, to the establishment of religion, and to the inculcation of moral principles, among the Irish people. He could not but repeat, that he most warmly and cordially rejoiced at the decided manner in which the noble Lord had met the proposition made by the hon. member for Kerry, and which, in point of fact, was nothing more nor less than a plan of spoliation, under a specious, but flimsy disguise. To a different modification of the property of the Irish Church, among the members of the Church itself, he was far from being prepared to offer any opposition; but if, unfortunately, any view should be entertained by any persons whatever, of diverting the property of the Church of Ireland to other purposes than the support of the Church Establishment—if such had been the meaning of any part of the noble Lord's speech, he not only regretted that such a sentiment should have fallen from him; but he (Mr. Lefroy) would be the very first to oppose such a design, as soon as it should be made unequivocally manifest. He regretted that such very unsound and erroneous notions were entertained upon the subject of the property of the Church of Ireland, for it was owing to such want of information that the calumnious and ill-founded charges against the Church were so often listened to and received. He could assert that many were the cases in Ireland in which the provision for the Rector was not in proportion to the number of Protestant parishioners to whom he had to attend. He begged hon. Members to look at the total number of persons of the Church Establishment in Ireland, and compare them to the number of benefices, and they would be surprised at the misrepresentations which had been made as to their disproportion. This would be the only fair way to ascertain whether the Church of Ireland were or were not more than sufficiently endowed. There were, according to one return, 1,244, and, according to another, 1,252 benefices in Ireland, and about 1,269,388 members of the Established Church, exclusive of about 700,000 Presbyterians. For such a population, there were only 1,250 benefices, giving an average of upwards of 1,000 persons for each congregation, and the average income to the Rector of each was 299*l.* per annum. He took his data of calculation from the evidence that was laid before the Lords' Committee. That was the very highest sum that the benefices had been averaged at. He would ask, was that a Church endowed beyond what was reasonable and necessary for its respectability, and for the good of the people submitted to its care? He would acknowledge the right and power of the Legislature to make practical arrangements for the distribution of the Church property to the members of the Church, but he would deny that the Legislature had either the power or jurisdiction to spoliate or alienate its property. The Bill of the right hon. Gentleman would very much facilitate the adjustment of the incomes of benefices, and a division of the property of the Church, so that there might be an adequate provision for each clergyman, without an extravagant provision for any one. In the year 1806 it appeared, that there were 693 beneficed clergymen resident in Ireland, and in 1819 the number of resident beneficed clergymen amounted to 862, making an increase of 129. There were no returns on this point subsequent to 1819. Since that period, 250 glebe-houses had been built, so that if that number were added to the 862, it would appear that the number of resident Clergymen in Ireland was altogether 1,112. The number of Curates resident in 1806 was 562; and in 1829, 750; shewing an increase of 188; and altogether a resident Clergy of about 1,900. The whole increase in the last twenty years was 797. From the year 1792 the whole number of the resident Clergy had been nearly doubled. At present, in the diocese of Armagh, the number of resident Clergy was nearly equal to what the whole of the resident Clergy of Ireland had amounted to in 1792. Even the hon. Member himself bore testimony to the excellent character and conduct of the Protestant Clergy of Ireland, and the highest testimony had been borne to the same point by Major Woodward and the late Primate of Ireland, Dr. Stewart. The glebe-houses had been increased by 473, between 1800 and 1820, and since 1820 by 250. From the year 1820, 376 additional churches had been built, which was nearly one-half of the number of the Protestant churches which had formerly existed in Ireland. Great obloquy had been cast on the endowments of the Bishops, and it was said that their lands amounted to 600,000 acres. It should, however, be recollected, that the same testimony which states that fact, also declares that the Bishops derive only one-fifth of the value from that property, the remainder going into the hands of the laity of Ireland. Baron Foster stated, in his evidence before the Committee, that the average amount of the Irish Bishops' emoluments was 5,000*l.* Considering the connexion which existed between the Church and State, and the rank and station of the Bishops, it could not be said that they were overpaid. The hon. member for Kerry, in stating that there were large parishes in Ireland from which the Rector derived an income, although they did not contain a single Protestant, had forgotten to state whether such parishes did not belong to what were called unions. There were 690 parishes in Ireland of which the rectorial tithes were in the hands of the lay impropriators. The entire benefices in Ireland did not amount to half the number of parishes, and the necessity of the parochial unions had arisen from the nature of Church property in that country. He thought that settling the question of distribution would at once defeat any plans of spoliation that might be established by the enemies of the Church. When the hon. member for Kerry asked them to abolish tithes, and yet talked to them of preserving vested interests, his notions appeared to him as extravagant and as absurd as the famous exclamation in the Play,

> "Ye gods, annihilate both time and space,
> And make two lovers happy."

If there was a vested interest, it was in the successors of the existing Clergy. To destroy their interest was just the same as lopping off the heirs to an estate whilst professing to preserve the property for its owners. He trusted that he should never see the day when the House would think of entertaining a proposal to spoliate Church property. There was no instance on record of the Legislature doing this, for, in the case of the alienation of the abbey lands, they were alienated in the first instance from the Church by the Church itself, and afterwards appropriated by the Crown. Any alienation of the Church property would be a direct violation of the Coronation Oath, as well as of the terms upon which relief had been recently granted to the Catholics. The hon. member for Kerry, when examined before the Lords in 1825, had said, 'I 'can state, under the most solemn sanc'tion, that the Catholics of Ireland would 'accept of emancipation accompanied with 'a proviso that the grant should be entirely 'void, and the entire penal code should 'be again put in full force, the moment 'any claims should be made to the Church 'property by any considerable part of the 'Catholic body;' and the hon. Member had afterwards explained, that in the term Church property he had included the tithes of the Church. He was at a loss to understand upon what principle it was, now that the so much valued consideration had been paid—now that civil rights and political power had been yielded to the Roman Catholic community for the security of the Established Church — now that the Established Church had given what was demanded, in order to purchase the good heart of the Catholics towards the Establishment—he was at a loss, after all these concessions, to understand upon what principle of consistency it was, that the hon. and learned member for Kerry could advocate the proposition of appropriating the revenues of the Church to the general purposes of religion and charity—meaning to include, under those wide terms, his own Church. They were told, that Ireland would be quite pacified—that everything would be satisfactorily arranged—if tithes were abolished, and a land tax, affecting the landed interest of the country in proportion to its rental, were substituted for it. But where was the reasonableness of that proposition? Was it to be a tax imposed upon all lands, whether tithe-free or not? If it were to be put upon tithe-free land, where was the justice of the proposition? If it were not, how did it differ from tithe? Again, was this tax to be put upon all land, equally, whether good or bad? [*No! No! proportionate.*] He should like, then, to know how it differed from the charge made under the existing Composition Act, the object of which was, to fix an annual payment according to the value of the land? He might be told, that the proposed impost would not be productive of a quarter of the expense caused by the present Act. He knew that an expense incurred in the collection of the tithe composition fell upon the owner of the land. If he did not pay his tithe, the law provided a remedy against him, and so it would if he did not pay his land tax. In short, he saw no distinction between the two plans. But he saw this secret purpose, scarcely disguised by the thin veil thrown over these Resolutions—to get rid of Church property at any rate, and thus to satisfy the demands of Ireland. The hon. and learned member for Kerry said, that Ireland was ready to make this bargain with England; and cautioned the House to accept the offer, as it might never again be made. One would suppose that there was no such thing in the country as a Legislature. One would suppose that the hon. and learned Member was not speaking in the House of Commons, but that he was a deputy from an independent Legislature in Ireland, proposing terms of adjustment to a defeated opponent. But he knew no right which Ireland had to treat upon this subject, except through the medium of her own Representatives. They had a right to petition the House, and no doubt their just, reasonable, and equitable desires would always meet with attention; but when they were told that the people of Ireland called upon the House to spoliate the Church, and said—"We will allow you to receive such a portion of its revenues, but the rest must belong to us," he trusted the House of Commons would never be so degraded as to listen to such language, or to encourage a proposal, founded upon principles so utterly subversive of justice and social order. He gave his concurrence to the Bill brought in by his Majesty's Ministers; and he trusted the House would concur in the rejection of the Resolutions which had been moved as an amendment to the original Motion, by such a large majority as should mark its decided reprobation of principles so mischievous, revolutionary, and subversive of all property and justice.

Sir *John Bourke* disclaimed, on the part of the Catholics, the slightest wish to appropriate to the Clergy of their Church the revenues derived from tithe. In the wildest periods of popular excitement, he had never heard such a sentiment broached by the hon. member for Kerry, or by any other of the Catholic leaders; and it was a weak defence to set up for that impost, to say that others desired to appropriate it to their own use. There was this indisputable fact, stated by the noble Paymaster of the Forces, in the importance of which he fully agreed with him, that the revenues enjoyed by the Clergy of the Established Church were wholly disproportioned to the duties they performed, and to the members of their respective congregations. It was quite a misrepresentation to say that the present measure was identical with the Composition Act; for to render that Act compulsory, was altogether to alter its character; at the same time, he could not concur with the right hon. Gentleman near him, in thinking that it was a measure, the operation of which could lead to the pacification of Ireland: he feared it was so directly opposed to all the wishes and feelings of the great body of the people, that it could not be successful: this, however, he begged to qualify by the frank admission, that some measure in the nature of land tax, or valuation, or commutation, was absolutely necessary; though he entertained the strongest apprehensions that this would not prove successful, and he regretted it the more, as the right hon. Gentleman by whom it was proposed, proceeded upon the principle of satisfying the minds of the people. He wished the right hon. Secretary would recollect that the Lord Chancellor of England said, that the first duty of a Government was to make the laws beloved, and the next, strictly to enforce them. The Bill, however, would not allay discontent, nor put a farthing into the pockets of the Clergy. He could not imagine how, between this and Christmas, a compulsory composition of tithes could relieve the distress of the Irish Protestant Clergy. If the measure were useless, he could not see the wisdom of enforcing it. There must be a commutation of tithes, either by means of a valuation of a land tax, or of some other expedient. If the right hon. Secretary, then, would introduce his third Bill—allowing landlords to redeem their tithes at fifteen years' purchase—there was no doubt that, in parishes where reasonable compositions had been made, a commutation would at once take place. In his parish, for instance, they had compounded for 10½*d.* per acre; and to get rid of that charge, at the rate of 15*s.* per Irish acre, at fifteen years' purchase, would be a very advantageous bargain. The third Bill, therefore, of the right hon. Gentleman was a practicable Bill; and, if it were passed, by the next Session they might judge how far the experiment would succeed. The inducements to its success would be great, and the advantage to the Clergy would not be trifling. Suppose the tithe, as in the case of King's County, paying 6*d.* per acre, to be bought up at sixteen years' purchase, it would only be 8*s.* per acre. If the same commutation were made all over Ireland, a sum would be produced, which, with the 700,000 acres belonging to the Church, would be sufficient to maintain the Clergy of Ireland. There was one suggestion in the Report of the Committee to which he wished to call the attention of the House. It was, that where either party was dissatisfied with any existing composition, he should be at liberty to make a complaint to the Lord Lieutenant, who might order a new valuation, at the cost of the party applying. It would, however, be a violation of the pledge of the Legislature to suffer any interference of this kind with existing compositions, which had been made upon the faith of their lasting twenty-one years. He, for one, should remonstrate against any such proposition, and should resist any change of composition already agreed upon.

Mr. *Henry Grattan* thought that the hon. Gentleman had misquoted the sentiment of the Lord Chancellor, who said, he believed, that it was the duty of the Government to enforce the laws in order to make them respected, and afterwards to consider how they might amend them, so as to make them beloved. He was struck with the sentence, for it appeared to him that it was the converse which was true; for if the laws were first amended so as to make the people love them, it might be proper to enforce them because they deserved to be obeyed. It was the converse of the proposition which he wished his Majesty's Ministers to put in practice. He called upon them to amend the law; did the Bill amend it? The right hon. Gentleman had two objects to effect—one of duty, to preserve the peace of the country; and one of feeling, to secure a provision for the clergy; but he would fail in both. The words of the plan showed the impossibility of his making a provision for the clergy; he wished to make an immediate provision for them; but the House had heard, from the hon. and learned member for Kerry, the condition to which they were reduced, which no man lamented more than he did. How could that condition be immediately relieved by this plan, when it was not to come immediately into operation? It was only when existing leases expired that tithe could be extinguished; for it must be paid by the tenant during all existing leases. The Legislature might affirm, that the landlord should pay it; but the landlord would say to the tenant—"You must pay me an additional rent, as I have to pay the clergy;" and thus the question of tithes would again come under discussion. The right hon. Gentleman wished to make tithe composition compulsory: did he get that plan from the witnesses? What would be thought of a lawyer who should bring into Court witnesses to give evidence against his own client? Such, however, was the case here. All the witnesses stated, that the clergy got more under the composition than they did under the old plan; and, therefore, it was looked upon as an increase of severity. When a clergyman was mild and gentle, the tithes were not well collected; but if the clergyman was extortionate and severe, the composition would be raised to an unjust height. The hon. member for Wicklow put this very forcibly when he proposed his Resolutions; and he knew a parish where the tithes were suddenly raised from 100*l.* to 300*l.* per annum. Mr. Montgomery gave direct evidence against the plan before the House, and said, "if you make the Tithe Composition Act compulsory, you will increase the dissatisfaction of the people." In fact, the majority of the twenty-six witnesses were decidedly against the right hon. Gentleman's scheme; and even Mr. Birmingham said, that the Tithe Composition Act ought not to be made compulsory, without first undergoing great alterations. Like the plan of a right hon. Gentleman, not in his place, it was no more founded upon the resolutions submitted to the Government by the Members for Ireland, than any plan having no relation to them whatever. The Irish Members, in 1822, proposed a plan to the right hon. Gentleman, the member for the University of Cambridge (Mr. Goulburn); but, instead of adopting it, he founded his scheme upon the miserable remnants of resolutions of 1788, and thus completely frustrated the object of Lord Wellesley, as well as disappointed the Irish Members. Those resolutions, which were signed, also, by many distinguished Peers, were in favour of a commutation of tithe. These resolutions were seconded by Mr. Spring Rice, and the words used were—"a full and liberal equivalent, fairly assessed and levied," which was the meaning of the present resolutions; for the Members for Ireland believed that a commutation was not only practicable, but essential to the stability of the Established Church. Among other names attached to these Resolutions, were those of Lords Dungannon, Orrery, and Lansdown. In spite of this solemnly expressed opinion, however, and in spite of the evidence given before the Committee, the right hon. Gentleman brought in a bill for the commutation of tithe. Mr. Griffiths said, in his evidence, that the Tithe Composition Act had done great injury to Ireland; and that he, out of 1,468 valuations of parishes, found only 384 correct, the others being ignorantly or unfairly made. One valuation was 4,000*l.*, whereas he made it only 3,700*l.* He said that out of 1,468 parishes, there were only 384 of the valuations of which he could make any use. He was asked, "Do you mean that these 384 were the only parishes taken by actual valuation?"—"They were all entered into by agreement." The right hon. Gentleman bound the parishes not to pay what the clergyman actually received, but an amount which the clergyman and the parish might agree should be paid. But he put it to any Gentleman to say, whether he received from his tenantry all they covenanted by their leases to pay? As the hon. and learned member for Kerry truly observed, under the old plan a distressed tenant could appeal to the charity and humane feelings of the clergyman; but now, he had nothing but a naked strict Composition Act to apply to. Mr. Griffiths went on to say then, that his valuation was upon a lower scale than that which had been entered into in the cases he referred to. Now, why was this so? It was because Mr. Griffiths and his colleagues were officers of the Government, and, in the discharge of their public duty, took the proper valuation, without regard to private interests. The right hon. Gentleman now protested against the evidence of the party he called as a witness; but there was no getting over the fact that the Tithe Composition Act had not succeeded. Landed property did not rise in an equal ratio with Church property. It appeared from the evidence, that a certain extent of Church property produced at one time

75*l.*, and, eight years afterwards, it had increased to the enormous value of 500*l.*: this was in a parish under the operation of the Tithe Composition Act. The hon. Gentleman was very much mistaken if he meant to found this measure on the evidence which had been taken with reference to the results of the Tithe Composition Act. Every one might find a convincing argument against it in the evidence taken before the Committee of the House of Lords. It was stated that there were uncompounded parishes and compounded parishes. The amount of the tithe in arrear in the compounded parishes was 62,500*l.*; while, in the uncompounded parishes, it was only 17,272*l.* This was a proof of the effects of the Tithe Composition Act in producing the payment of tithe. There were many passages in the evidence of all the witnesses very strong against the Tithe Composition Act, and clearly showing that it was inadequate for the purposes for which it was intended. It had been stated, that there was some secret intention—some hidden object—within these Resolutions, only to be elicited from the arguments which had been held respecting them. He would venture to say, that there never was a period in which the Irish Members behaved so honestly, so worthily as on the present occasion. The Irish Members stood by their country, and by its distressed people: these they would never abandon for any Administration or any party, neither for Whigs nor for Tories. The Irish Members had been supported by the Irish people; and he would tell the right hon. Gentleman, that if he thought they would enter into a faction with any Secretary belonging to the British Government, whether he be in or out of power, against the unanimous voice of the people of Ireland, he would find himself grievously disappointed. In those melancholy times which the right hon. Gentleman was so fond of alluding to—in the worst stage of the history of the Irish Parliament—when the men who stood up for the people were persecuted and treated with contumely and disdain, they had no means of escaping from the tyranny of an English Secretary, until they incorporated themselves with the Irish people. Then was established a great public principle of reason, and justice, and moderation, which the right hon. Gentleman would do well to follow; and those who for years had refused to listen to the voice of the Irish people, were compelled to attend to it at last. This was the state of things—this was the excitement, which prevailed in Ireland; and he entreated the right hon. Gentleman not to follow the example of those who caused it. The right hon. Secretary for Ireland had told the House, that no man could be found with temerity enough to support these Resolutions; and then he had proceeded to take them to pieces. The first resolution it would not be necessary for him (Mr. Grattan) to observe upon, because it said nothing more than what must be universally admitted. The second Resolution recognized the rights of persons having vested interests; and declared, that it was the duty of Parliament to provide for those interests by making for them a just compensation. Here it was necessary for him to answer the charge of the hon. and learned member for the University of Dublin. They did not want to spoliate the Church by these Resolutions, for they had taken almost the very words of the resolutions which were moved at a former period upon this subject. The Resolution proposed by Mr. Grattan, in the year 1788, in the Irish House of Commons, was to this effect: "That it would much tend to relieve the poor, if an exemption from the tithe of potatoes was extended to them; and that, if the owners of the tithe shall suffer thereby, this House will make to them just compensation." Thus they had adopted the very terms of the Resolution which was moved in 1788. The Ex-secretary for Ireland found fault with them, as not proposing to give a fair and just equivalent. Here was the authority of most of the principal landed proprietors in Ireland, and of the Members of both Irish Houses of Parliament, that these Resolutions were proper. Something had been said of "temerity." He (Mr. Grattan) knew what the temerity of an Irish Secretary was. What was the temerity of the Secretary to Lord Carlisle? What was the temerity of the Secretary to the Marquess of Buckingham? What was the temerity of Lord Auckland's ancestor, who drove the people, by his treatment of them, to press onward to the very verge of constitutional freedom. He it was who put 100,000 men in arms. Talk of vindicating the law! Why, in his time, a man meeting his neighbour in the street, on horseback, and offering him 5*l.* for the horse, had a right to claim it! Would anybody tell him that the people of Ireland were not justified in opposing such laws as these? He had said enough to vindicate the character of Irish Members from the aspersion which had been cast upon them; to show that they had proceeded on a good precedent, and followed the dictates that would actuate men having sincerely at heart, the interest of the country, and the providing a proper maintenance for the clergy. If any person examined before the Committee had been asked—"Would you not have been glad if the proposition of 1788 had been adopted?" the answer would have been in the affirmative. Dean Blakely, in his evidence on this subject, said, he would advise the Government carefully to consider the whole question of this property; he would advise them to raise a tax, to take the property away from the Church; to levy an equal tax, in order to give to each incumbent according to his deserts; and, finally, to keep the property in their own hands. He must tell the right hon. Gentleman, that his plan neither provided relief for the clergyman, nor secured the peace of the country. When he (Mr. Grattan) came down, just now, from the room up-stairs, he heard the right hon. Gentleman state, that the Bishops had 5,500*l.* a-year; and he found fault with the hon. and learned member for Kerry, for having made accusations against them without parliamentary documents to found them on. Let him look at the evidence of Mr. Foster—at his calculation of the value of the land of Ireland, and then judge whether or no those charges against the exorbitant allowances of the members of the Protestant Irish Church were well founded. Or at the evidence of Mr. Griffiths. The landed value of Ireland, as stated by him before the Commissioners of Inquiry, was 12,715,578*l.*; so that the Church of Ireland had actually one-seventh of the whole property of the country; that Church, too, not comprising a congregation of more than one million of inhabitants. Was there any other instance, or any history of a Church, comprehending within its pale so few individuals, so richly endowed? These circumstances proved that they had a right to complain; that when the people of Ireland were thus ground down to support a Church of which they were not members, their exclaiming against such treatment could not be wondered at. They had evidence that 1,100,000 acres of land in Ireland were totally and entirely uncultivated. They wanted to occupy this land. What did the Committees want to do? To establish the fact, that there was not the slightest want of outlay of capital in Ireland; and it was for this state of things that the right hon. Gentleman proposed to introduce the Bill, only, which was now before the House—to which, indeed, he had tacked since two other Bills, including the most extraordinary provisions he ever heard for the establishment of ecclesiastical corporations. As reference had been made to the amount of Bishops' property, he would state to the House the substance of a very curious document which he had in his possession. It happened that, in the year 1798, there was some little danger apprehended in Ireland, arising out of the proceeding of the French in other parts of Europe, and a general subscription was entered into, in this country, for the purpose of providing means for the preservation of the public safety. The document which he held in his hand was "a return of the Probates of the Wills of three Archbishops, and fifteen Bishops in Ireland." It was a very curious document; and he was only sorry to see, therefore, that several hon. Gentlemen were leaving the House. By referring to this return it appeared, that the probate of the will of the Archbishop of Dublin was sworn under 150,000*l.*, that of the Archbishop of Cashel under 400,000*l.*, that of the Archbishop of Tuam under 250,000*l.*, that of another of these dignitaries under 60,000*l.*, and that of another under 250,000*l.* When these poor Bishops—these gentlemen with 5,500*l.* a year—were called upon to join in the subscription to which he had just referred, he found against the name of the richest a note with these words, "He gave nothing." These gentlemen, who had so often sat, at their convivial feasts, with their glasses in their hands, filled to the very brim, toasting "the Constitution" under which they lived; when they were called upon to contribute towards the preservation of that Constitution, subscribed, altogether, only 3,900*l.* He had a return of the amount subscribed by the Roman Catholics; and it amounted to 4,600*l.*, so that the despised and excluded Papists, in their subscription for the preservation of the Constitution, exceeded the total contribution of this blessed Church of glorious memory by a sum of 700*l.* Here he must find fault, in a few words, with the plan proposed by the right hon. Gentleman. In the first place, his plan must be clearly inoperative: first, because the former Tithe Composition Act had decidedly failed; and, secondly, because, even if it were put in immediate operation, it would provide nothing like the requisite assistance for the clergy, inasmuch as no immediate relief would be extended to them by the Bill. The same objection could not be raised to the arrangement proposed by the Resolutions, as it was their plan to raise the money on Exchequer bills, on the security of Irish property, and this was certainly a preferable plan. With respect to the corporations which the right hon. Gentleman had mentioned, he (Mr. Grattan) should like to know this—did he mean to offend the people of Ireland, again, really and seriously, by establishing Corporations? Had they not had enough already of Protestant Corporations, and of individuals who had pocketed the money wrung from the poor, and had afterwards refused to disgorge their ill-gotten gain? But he would conclude by expressing his regret that the right hon. Gentleman had not referred to a very old work that would have given him some valuable information on this subject - *The Political Anatomy of Ireland.* There were, at that time, little more than 800,000 Protestants in Ireland, exclusive of a Church consisting of 2,000 priests. Now, on a comparison of the relative situations of England and Ireland, in this respect, it was manifest that 500 priests would be quite a competent number for Ireland, and might quite as well govern the whole of the Church establishment in that country, as the extravagantly disproportionate number, in relation to the extent of the Irish Protestant population, which England required to be supported as her Church establishment. He would refer to the passage. It said that 'There being now 800,000 'Protestants in Ireland, and little more 'than 1,200 parishes, it is manifest that '500 priests may, in a competent manner, 'discharge the necessary duties of the 'different parishes, together with two Pro'testant Bishops.' He did omit the words "if any be necessary," which were in the book, for the sake of the hon. and learned member for the University of Dublin; 'for '500 priests may as well govern 1,200 'parishes in Ireland, as twenty-six Bishops 'in England govern 10,000 parishes.' He would venture to say, that in these lines there was truth, justice, and a knowledge of human nature. Even the right hon. Gentleman would admit it, if he would allow his capacity fair play. But no; the Church must be supported, even in this way, out of all proportion: it was an English Bishop who governed Ireland, and not an Irish Secretary. Perhaps the hon. and learned Solicitor General for Ireland would listen to a passage from another authority, most apposite to the present occasion, and which was likely to crown with success the laborious and chivalrous efforts of the right hon. Gentleman, and the gallant manœuvres of the Solicitor General for Ireland. The authority to which he alluded said, 'The next attempt 'towards reformation was made in the '25th year of the reign of Henry 8th, by 'Lord Grey,'—a very ominous name, certainly, and a rather singular coincidence. It then went on to say that he proceeded to force the people of Ireland, "by personal rigour," to obey the laws; he made a laborious circuit, as the hon. and learned Solicitor General for Ireland would do, round the kingdom, and concluded his remarkable efforts with the celebrated battle of Ballyboo. He must once again say, that there was nothing sound or substantial in the legislation which the right hon. Secretary for Ireland proposed to introduce. He would do that right hon. Gentleman the credit to believe that it was, on his part, well meant; but it was miserably deficient. He called upon the hon. and learned Solicitor General to divest his mind of all those local partialities and unjust suspicions that might have been instilled into it by persons about him, who had not really at heart the interest of the people of Ireland. He would never succeed, unless he threw himself into the constitutional arms of the Irish people, who never wilfully committed an act of violence or an act of inhumanity. In 1782, when 100,000 volunteers were under arms, they were so anxious to uphold the constitutional law and liberty they had so gloriously obtained, that when a Bishop (not an Irish one) came into the room of the worthy and venerable nobleman who cut so conspicuous a figure on that occasion, and said, "My Lord, we shall have blood enough" — with the dignity and the manner which became him, the nobleman replied, "No, my Lord, we shall succeed by legal and constitutional means, but not by such dishonest and illegal practices." That was the answer of an Irishman at the head of 100,000 armed men. That was the answer that was given to this Bishop—a Bishop in arms. If the hon. and learned Gentleman would adopt, in some degree, the mild character of the noble Lord who sat near him, he would calm and conciliate the people of Ireland much more than by following the example of another hon. Gentleman who sat still nearer to him. He had now only to thank the House for the patience with which it had heard him. On the question, whether he should take part by the unconstitutional Act of Henry 8th, or by the people of Ireland, his determination was soon made up. In the Act of Henry 8th, there was nothing valuable, nothing just, nothing to reconcile any honest man to its adoption. He would, therefore, repudiate that Act, and take his post by the people of Ireland.

Mr. *Stanley* said, as he had, on a former occasion, trespassed at considerable length on the indulgence of the House, it would not perhaps have been necessary for him to trouble it at all, in the course of the present evening, if it had not been for the very prominent notice taken of him by the hon. and learned member for Wicklow, whom he was anxious to thank for the very undeserved honour he had conferred upon him, by giving him an ecclesiastical preferment. He was afraid, that he had no very great chance of being a Bishop at any time; but this he was sure of—he was a sincere Protestant; and, as such, he was anxious to remove whatever he might find of abuse, of real and substantial grievance in the Protestant Church, and to render that Church as little burthensome as possible, and as much as possible conducive to the temporal and spiritual interests of those with whom it was connected, and to place upon the best and most friendly footing, the relation between the members of that Church and the people of Ireland; convinced that, by so doing, he should best serve that Church to which he belonged, that religion to which he was attached, and that people whose destinies were, in some degree, committed to his unworthy care. It was with no local partialities or private feelings—whatever other feelings he might have, which the hon. Gentleman might designate as "prejudices"—that he addressed himself to the discussion of this most important subject, which he certainly was not then considering for the first time, but to which, on the contrary, he had given no little attention—to which he had looked, for many years, with no little anxiety, and of which, if he did speak "in ignorance," that ignorance was not the result of any want of pains on his part to inform himself on the question. But he was relieved from entering into the wider and more extended view of the subject, which the consideration of the whole question of the Church in Ireland naturally would, and necessarily must open, at some future period, for the deliberation of Parliament, because, by the common consent of the House, the subject had now been restricted within a much narrower compass. The Bill which he had proposed to the consideration of the House, unlike the Resolutions which had been moved as an amendment to that Bill, left open the whole of those most important questions which every hon. Member remarked, and which, he must admit, it would have been impossible to discuss at this late period of the Session. The proposed system was more practicable, less injurious, less oppressive, and less offensive, than the system under which the tithes were at present collected in Ireland. If Government did not, in all cases, meet the views of hon. Gentlemen, he would put it to the consideration and judgment of the House and the country, whether such a system in itself, as compared with the system of tithes, was or was not a benefit—whether, in short, it was a benefit or a grievance to the occupying tenant, who was the person to pay the clergyman. It was to this narrow question, and to this alone, they were now confined; and a great portion of this debate had been taken up by subjects very foreign to the matter in hand; very foreign to all the abuse which the hon. and learned Gentleman, the member for Kerry, lavished, not only upon him (Mr. Stanley) individually, but on every person in the Government—past and present—aye, and future too—from the earliest period down even to the date of the last subjects touched upon by the hon. Gentleman who had just sat down—namely, the probates of the Bishops' wills in 1796, and the glorious results of the battle of Ballyboo. All these questions were entirely beside the mark; and, with the hon. Gentleman's leave, he would at once proceed to touch upon those points to which he had more directly called his (Mr. Stanley's) attention—and on which he had challenged him to refer—to the evidence produced before the Tithe Committee. It undoubtedly was no unimportant point of the question, in estimating the comparison between the tithe system and the tithe composition substituted for it, to ascertain, whether, in point of fact, the pecuniary burthen of the Tithe Composition Act had been greater or less than that of the tithe itself; because, although he did not admit that the amount of the burthen, and the amount of the revenue of the Church, were subjects immediately bearing upon the present consideration, yet, undoubtedly, in estimating the advantage or the disadvantage of a transfer from one system to the other, it was fair to take into consideration the pecuniary payments made under both. He would waive, therefore, for the present moment, all matters connected with these questions—all discussion of the question of extortion—all inquiry into the employment of the tithe-proctor, and all the long series of perjury, extortion, and corruption, and into the weight of that grievance from which, according to this change, the tenants would be permanently and effectually relieved. He should turn to the evidence which the hon. and learned member for Louth, on a former evening, quoted in support of some suggested provisions, with respect to which, the evidence, when examined, tended to prove directly the reverse of what the hon. and learned Gentleman deduced from it. The hon. and learned Gentleman had taxed him with not referring to the evidence which had been produced. That might be; he had been anxious, undoubtedly, to spare the time of the House, on which he was sensible he must trespass at great length. He did not mean, however, in referring to the evidence, to treat it in the same way as his two hon. and learned friends had done, who certainly only quoted half, and misquoted the tendency of even that half. The hon. and learned member for Louth referred particularly to the evidence of Mr. Delacour, a Protestant himself, the son of a Protestant clergyman, and who married the daughter of a Protestant clergyman. His hon. and learned friend had brought him forward as a most unexceptionable witness—for what? To prove that it was desirable to take the revenues of the Church, and to appropriate them to other purposes; and to show that an infinitely less sum than that now levied would be amply sufficient for all the purposes of Church property, leaving a surplus for the advantage of the State. The sentence of which the hon. and learned member for Louth quoted half, was this, Mr. Delacour was asked if he meant to say, that there should be an application of Church property to any other purposes than those of the Church? His answer was, 'That is a question upon which I 'have conversed very little with anybody; 'my private opinion is, that there may be 'such a revenue as would amply provide 'for the Protestant Establishment, and 'also provide a fund justly applicable to 'other purposes' [*hear! hear!*]. The hon. and learned Gentleman (Mr. Sheil) cheered the first half of the sentence; but he (Mr. Stanley) would take the liberty of pointing out to him, as he had done the other day, on what this calculation was founded—that there was a general tax to be levied over Ireland, for all the purposes of ecclesiastical as well as local taxation, and that that tax should amount to 3*s.* an acre. Now, Mr. Delacour's own valuation—for he valued Ireland himself—took the value of tithe over Ireland at 1*s.* 5*d.* an acre. He also took the valuation of local taxation at 1*s.* 3*d.*, making, together, 2*s.* 8*d.*; and he said, and said truly, "If you will give me a clear fund of 3*s.* an acre all over Ireland, I will engage that you shall have a fund that will provide, on its present footing, for the Protestant Clergy of Ireland, and for the local taxation of Ireland, and still you shall have a residue of 4*d.* an acre, applicable to any purposes you please." The hon. and learned Gentleman represented this as most satisfactory evidence, that you might now apply Church property to other purposes than those of the Church; but he did not read, as before observed, that last half of the sentence, which said, that "on the whole area of Ireland, a revenue of 3*s.* an acre would produce two millions of money. I think," he said, "that would be more than necessary to cover the ecclesiastical revenue and local taxation of the country." "Would you appropriate the tax you propose to levy in lieu of tithes to those other purposes?"—"I do not go so far as to say that I would do that, but I think there might be some arrangement which should enable the country to contribute a moderate proportion in the pound, that might be applied to other purposes besides the payment of the clergy." Now, he would ask the House, was there ever an argument, the whole tendency of which was so completely—unintententionally no doubt—misrepresented, as this authority, as quoted by the hon. and learned Gentleman? But he would turn to the passages which his hon. and learned friend himself selected. The first evidence to which he referred was that of Mr. Montgomery, who said, that his opinion was, that the Tithe Composition Act had increased the dissatisfaction of the people in Ireland. He was, no doubt, a man of great ability, great learning, and great talent, and a man of unimpeached purity, standing very high in the Protestant Church, but still maintaining his own doctrines, and holding a decided opinion that every sect in Ireland, and every religion, should be left to the exclusive and entire maintenance of its own clergymen. That might be right, or it might be wrong; but it was a doctrine at variance with all the established practices of this country, where it was laid down as a principle, that there should be an established religion, and that that religion should be furnished with the means of instruction for the whole community, if they should think fit to apply for it. With his views, he said, "So far as I can judge from the report which I have received of the working of the Composition Act, the people are not satisfied with it: and, if it were made compulsory, I conclude that their dissatisfaction would be increased. I do not speak on this point from personal knowledge, but from information I have received from credible sources. I should be prepared to recommend the very opposite." So, Mr. Montgomery would not recommend the extension of the Tithe Composition Act. It was not very likely that he would; because he thought the best plan was, that every sect should maintain its own religion, and that no charge should be made on the land for the maintenance of the clergy of the Established Church. He did not wonder at the hon. Gentleman's reluctance to proceed with that evidence. Upon the subject of the amount of the valuation, and the mode in which it was taken by the Commissioners, Mr. Montgomery said, that they (the Commissioners) had not had, in all cases, the practical knowledge necessary for making an accurate survey. Mind, Mr. Griffiths' evidence of the ignorance of the Commissioners did not go to the whole amount levied on a valuation of the whole of the parishes; but to each, with reference to the property of the land. Mr. Griffiths said, "I will take a parish which, according to their valuation, is 5,776*l.*; in the Tithe Commissioners' valuation it is 4,085*l.*" His hon. friend would not read, for a long time, the words, "but there is a lower scale of value." Now, what did Mr. Griffiths mean by a lower scale of value? In the preceding page, he estimated the whole amount of this burthen at about 1*s.*3*d.* an acre—at about 1*s.*3½*d.* in the pound. Thus, as the whole of the burthen, and the whole of the payment on all the land in Ireland subject to tithes, was calculated upon a valuation which was considered below the real value of the land, it rested upon a valuation which he (Mr. Stanley) considered below the actual rent now paid. Now, these were the sentences which the hon. Gentleman would not read, "Have you found any instances in which the Tithe Composition appeared to be founded upon an excessive valuation?" His hon. friend's charge was, that it was too high. "I have not," said the witness, "but I have ascertained many instances where it was undervalued." That was the evidence of the witness whom the hon. Gentleman called into Court—whom he would not allow him to cross-examine, but whom he called in to prove an excessive valuation on the part of the Tithe Commissioners; when, in the very next sentence, he said, he knew many instances in which they had not over-valued, but under-valued. His hon. friend, he saw, was averse to his quotations, but really his hon. friend must not quote particular passages for his own benefit, and blame him afterwards, when he stated them correctly. His hon. friend could not possibly think the accounts were originally made on a false estimate of the value of the land, and that the parishioners were inclined to tax themselves differently than, by the actual survey and account, and the clergyman's receipts, they would have been taxed. He understood from the hon. Gentleman, that the only objection he had was this, that whereas, under the former system, the clergyman had been in the habit of putting down as receivable, an under-valued assessment—something below a tenth part of the produce of the soil—the new system placed the clergyman in the same position, if he made no deduction, as he stood in before; but, when Government would give him greater facilities of recovering the amount of his tithes, that measure was to be opposed. If his hon. friend would inquire into the facts, he would find numerous instances in which the clergyman, finding himself the weaker party, and being most anxious for the peace and tranquillity of his parish, had compounded actually for a sum infinitely lower than that to which he was fairly entitled; so much so, that, in many cases, the Bishop or the patron had in the first instance, refused his consent to such a bargain. He would now at once proceed to a comparison of the plan which he proposed, with that which was suggested by the hon. and learned Gentleman. In the first place, at this period of the Session, if there were a difference on one side or the other, it was in favour of a plan that proposed to do something, rather than in favour of a Resolution which proposed to do nothing at all, or which proposed to do just so much or so little, according to the interpretation which any hon. Gentleman might please to put upon it, but which positively stated no one certain thing whatever, except that the question should not be considered in the present Session of Parliament. The resolutions were vague enough, and if he wanted anything in proof of that assertion, he should refer to the different comments which had been made upon them by several hon. Gentlemen who had spoken, and who had been asked their interpretation of them. The hon. member for Tipperary said, "I do not wish to strip the Church of any portion of its property: God forbid! quite the contrary; I want to substitute for the present Tithe Composition, a valuation that may extend to the strict and full amount of the whole of the land, which may be calculated by Government Commissioners; the proceeding to be rigidly enforced, and the money which is afterwards to be raised, to be appropriated as the State may think fit." This tax, then, was not to be levied on all land alike, but upon different parts of the land, in proportion to their different value. The suggestion, therefore, followed up the principle acted upon in the Tithe Composition system, with this difference, that, according to the plan of the hon. Gentleman, it was, in the first instance, to be ascertained what was the amount of the sum to be levied; and that would most easily be ascertained by means of his proposed Bill. It might be said, that 1*s.* 2*d.*, or 1*s.*, or 9*d.* an acre would answer all over Ireland; but how was he to know what it would be fit to propose in the 700 parishes which were yet uncompounded, until he knew what was the actual amount received by the clergyman? How was it possible to ascertain this amount in a fairer way than by an estimate of the annual receivable amount for the course of seven years preceding 1830? If, after that, it should be thought desirable to raise a land tax, it might come under the consideration of Parliament; but, in his opinion, it would be attended with the total destruction of all present regulations, if the proposition of the hon. Gentleman were adopted; it would make one parish pay at the expense of another, and it would break through all the rights of property, and those rules of justice which were not violated by the arrangement which he (Mr. Stanley) proposed. The resolutions were construed by the hon. member for Kildare in a very different sense; for he proposed that a tax should be levied upon houses and all other property; and the hon. and learned member for Kerry again told the House that he wanted a tax upon all property, real, personal, and funded. Now, if they were to decide according to the justice of the case—if they were to hear from the landlords of Ireland that, "God forbid! they should shift the burthen from their own shoulders;" in the name of God! what became of the arguments of the hon. members for Kildare and Kerry, with reference to a tax chargeable not upon the land alone, but upon land, houses, and funded property? But then, there was another suggestion, namely, that they should make out of the public treasury the necessary advance for the relief of the clergyman, and trust to the chance of recovering it, without any alteration in the existing law. Why, hon. Gentlemen said they had no chance by the existing law. The great complaint against his Bill was, that it gave no facilities, but it gave the weight of a decision of Parliament to this new adoption of a systematic resistance, not to tithes alone, but to property of every description; and yet the House was told, on the other hand, "show that you will yield to intimidation—show that you cannot pass even your own measure—show that you are fairly beaten out of your ground; and then, with all the advantages necessarily derivable from such a display of moral courage, and energy trust to the powers now given you for recovering from the people of Ireland the sum which we allow ought to be provided, and which, we tell you, should be taken, haphazard, from the public treasury." Really, he could not view this proposition without a little suspicion, for (whatever the intention might be) it shifted the burthen off the shoulders of the landlords on to the tenants and occupiers of the soil in Ireland. The hon. member for Mallow was still more prudent. He had no objection to place the Established Church on a proper foundation:—how? in a moderate way. This moderate way of fixing the Church on a firm and permanent basis was one of those schemes which had been recommended by some of that hon. Gentleman's Friends, but the adoption of none of which could take place in the course of the present Session of Parliament. Then the hon. member for the city of Cork very boldly got up and said, "This may be all very well; it is all very good, I have no doubt; but, to tell you the truth, I have no great fancy for paying tithe at all. I do not want to pay it, and, in fact, I never paid it with any satisfaction to myself." If this was not shifting the burthen off the land of Ireland, he did not know what was; but at the same time, it was a little at variance with the resolution in which hon. Members, declared, that—"we regard the rights of persons having vested interests, and declare that it is the duty of Parliament to provide for those persons, by making them a just compensation." Out of this "just compensation," a fund was to be raised for the support of religion and charity; and that fund, in the first instance, was to be quite different in the mode of collection, and much lighter in effect, than that which was raised by the system of tithes. Did it go to the maintenance of the Established Church?—No. To the maintenance of religion?—Yes, generally; to the maintenance of all religions, of all sects, and not only to these purposes was it to be applied, but to the purposes of charity also. Why, what a multitude of purposes there might be under this head of charity! Some of the landed proprietors of Ireland entertained a very natural alarm at the prospect of the introduction of Poor laws into that country, and it seemed to him, that this resolution might, in its interpretation, be a very convenient mode of levying Poor laws in Ireland on property, and there was nothing to prevent its being said hereafter—"We are covered by our Resolutions, and you may take as much for charity, and as little for religion as you please; you may give none to Protestants, and all to Catholics; or you may give nine-tenths to the establishment of Poor laws, but still you will be within the letter of the Resolutions, which declare that the fund shall be appropriated to the purposes of religion and charity." Hon. Gentlemen complained of his Bill, on the ground that it was calculated to prejudge the question, and to pledge the House. His Bill did not do so, but the Resolutions of the hon. Gentleman made an opening for the introduction of any visionary scheme, for he proposed no legislation upon the subject. It was no answer to say, that there was great dissatisfaction and discontent in Ireland, and that the people were determined not to pay tithes. That was a bad argument to use to a Legislature at any time, but least of all was it an argument against his Bill, by which he removed the real and substantial grievance of the system, by which he did, not nominally, but in substance, and unequivocally, extinguish the system in its grievous and depressive sense, and by which he afforded additional facilities to the clergyman, if not immediate, at least prospective; or, if not to the clergyman, and it should be the opinion of a future Parliament, that they had it in their power to appropriate to other purposes the revenue raised for the Church:—he afforded additional security, that these should be found so available, as to enable them to deal with something tangible, and substantial, and not be overruled or defeated by a system of combination, however widely extended, and however successful it had hitherto been. He had provided, and he acknowledged it, that the burthen should rest in future upon the land. He wished to relieve the occupying tenant—the miserable ground-down occupier of a paltry wretched tenement from the operation of this tax, and to throw upon the owners of the land of Ireland, a burthen, which, in real truth the land ought to bear; a burthen which, in point of fact, it was impossible for the poor population to bear, which was the last weight that broke the camel's back, which pressed upon the tenant who was ground down by rent and other charges, until he was rendered utterly and entirely incapable of meeting the numerous demands upon him. But it was said this proposition was only prospective. It was true he did not interfere with subsisting leases. But was that a hardship? Was it justice or injustice that this should be so? The occupying tenant had contracted to pay a certain sum of money, and was under an imperative obligation to pay it. He wished to relieve him from communication with the clergyman as soon as practicable. He came forward to the landlords with a proposition that, if they chose to take upon themselves, for the relief of their tenantry, and during the continuance of the existing leases, the burthen of tithe, to which their lands were subject;—he gave them a boon of fifteen per cent. He gave them the power of raising the whole sum on their personal responsibility as to payment, and gave them, besides, the power of removing from their property one of the most fruitful sources of confusion, disturbance, and dissension. He had been asked how would the English landlords approve of such a proposition if it were applied to this country—did he think they would come forward to make a sacrifice for their tenantry? His noble friend the member for Northampton, and his hon. friend the member for Wilts, could answer how English landlords would approve of such a proposition. They would state and they would be joined by every English Member present, that if they were allowed to take upon themselves the payment of eighty-five per cent of the sum to which their tenants were liable for tithe, and if they were permitted to redeem that on payment of sixteen years purchase, they would at once do so. There was not an English Member there, who would for one moment hesitate to accept such an offer; nay, they would not only accept it gladly, but they would say that it was impossible that a greater boon could be conferred on them and their tenants. He thanked God, that in England, the interests of the landlord and his tenantry were so well understood and combined, that a vast majority of the landlords knew and felt practically, that they could not improve the situation of their tenants, without at the same time improving their own condition and benefiting their own property. To sum up the general comparison between his Bill and the Resolutions which had been proposed by the hon. Gentleman, the member for Wicklow, he would say, that his Bill did not, it was true, meet the urgency of the case; but it was admitted to be a benefit, and admitted by a vast majority of that House, to be well calculated to replace the present system of tithes. It tended to remove the facility of distraining his goods from the occupying tenant—it tended to relieve both him and the clergyman from mutually unpleasant collisions—to throw the burthen upon those who could best afford to bear it—it gave to the persons by whom it was to be borne an equitable and easy mode of relieving themselves from its operation—and it left the whole question of the appropriation of the revenues of the Church just precisely where it found them—neither more nor less than they were at this moment under the direction of the Legislature. The Resolutions, however, practically, and in effect pledged the House to a reduction of the Established Church. They did not leave that question open. Some hon. Gentlemen might think this a proper proceeding, but it was a question which might very fairly be left to the consideration of a future Parliament. The charge against him had been, that he was not leaving that question to a future Parliament. In his opinion he did, but the hon. Gentleman did not—because these Resolutions imported that the revenues of the Church should be reduced and applied to other purposes by them, without taking any steps to meet the present difficulties in Ireland. The House was to pledge itself at a future period, to the reduction, if not the annihilation of the Protestant Church. This was the comparison of the two cases which he submitted to the consideration and judgment of the House, and on which, hon. Members would allow that he was justified in pressing for leave to introduce this Bill.

Mr. *Mullins* said, that if there existed at the present period a case in which deduction was manifestly at variance with evidence, it was to be found in the second Report of the Committee on Irish tithes, as compared with the evidence on which that Report was founded. He called, therefore, upon the right hon. Secretary to say, what part of the evidence justified him in his opinion of the beneficial results of a compulsory composition? Did the right hon. Gentleman suppose that, in the present state of public opinion in Ireland, compulsory measures would be received with satisfaction, or that a composition effected in the 750 parishes where it did not as yet exist, could, by some indirect and extraordinary process, subdue that spirit of irritated and deep-rooted opposition to the payment of tithes which, he would assert without fear of contradiction, animated at that very moment the parishioners of the 1,505 compounded parishes in every part of Ireland. Such an opinion, could it be harboured, was absurd in the highest degree; the evil, therefore, still wanted a remedy: in fact, the case was simply this—"The tithe-payer complained, first, of the injustice; next, of the weight of the impost." And what did the right hon. Secretary say, in reply to his appeal? "My poor fellow, I'll relieve you, and that speedily. I'll place every one of your neighbours in a similar situation, and you shall all, henceforward, enjoy the inestimable benefit, the incalculable advantage, of a compulsory burthen." This would be the necessary consequence of the right hon. Gentleman's proposed measure, and there really appeared something so trifling in such a mode of legislation, in the present agitated state of the country, that he could hardly believe the right hon. Gentleman to be in earnest, when he called upon the House to adopt such a proposition. He was certain the right hon. Secretary must be well aware, that the enforcement of the tithe composition could not, in the existing state of feeling, place the clergy of the Established Church in a better condition, with respect to the collection of tithes, than they stood in at the present moment; for the objection, it was well known, was made, not so much to the manner of collection, or mode of payment, as to the existence of the impost itself, under whatever name or character it might be demanded. Neither was it a party question, for, with very few exceptions, Protestant, and Catholic, and Presbyterian, were equally opposed to the payment of tithes, and looked solely to the immediate, not prospective, the unequivocal and total abolition of the present system. He (Mr. Mullins) could not but feel, that a prospective arrangement, though much less objectionable than that proposed by the right hon. Gentleman, if coupled with a present infliction—which compulsory composition undoubtedly was—could not remedy the evils complained of, nor afford the necessary security to the Established Church; and that any interference with the present system, with such intentions, would inevitably lead to the most disastrous consequences. These were not his opinions alone—they were the opinions of men of every creed and every class in Ireland—they were the opinions of a great majority of the very men on whose evidence the report and proposed measure professed to be founded. He would, with the permission of the House, read a few extracts from that evidence, which would convince hon. Members, that he was not led away by the spirit of exaggeration, nor by any political prejudice in the opinions he had formed. Out of twenty-six witnesses examined, sixteen were unfavourable to the composition of tithes; of the remaining ten, seven were questioned on points not immediately relating to that subject, so that there only remained three who approved of the compulsory measure. Of the sixteen, Stephen Wright, the first witness, declared the "composition not to be an improvement, but the very reverse." Robert Delacour, the second, stated, "that though the composition should be compulsory, it would not be likely to extinguish the present feeling on the subject of tithe, it being his own conviction that tithe, whether required by usage or under composition, would not long be submitted to in Ireland." John Dunn, Esq. stated, "that the Composition Act had everywhere disappointed the expectations first formed of it." Christopher James declared "the opposition to be general, as much in compounded parishes as others," that the composition was not an improvement, and that he "objected both to the principle and details of that Act." The reverend Theophilus Blakely thought that tithes should be abolished. The reverend H. Montgomery "knew now that the people did not like the composition as much in operation as anticipation." Mr. William Collis said, that "so far from being an improvement, it was the very reverse." He (Mr. Mullins) would not detain the House with any further extracts; but, with such evidence before him, he could not, in his conscience, support the proposition of the right hon. Secretary, seeing that that proposition was directly at variance with the opinions of men in every way competent to form a correct judgment on the subject—convinced, as he was, that a spirit was abroad, which nothing but the just principle of complete and effectual abandonment of a system so much, and so justly complained of, could have the effect of subduing—and conscious, as all must be, that systems were not now to be respected and preserved because of their antiquity, but in proportion to the quantity of good they contained, coupled with their adequacy to suit the spirit and liberal principles of an enlightened age.

Lord *Ebrington* gave his unqualified support to the measure of his right hon. friend. He had listened with the greatest attention to every Gentleman who had spoken in opposition to it; but he had not heard one of them propose any substitute for tithes to which he could give his assent. If he had heard any such proposition, he should have been ready to support it. What was the substitute which the hon. and learned member for Kerry had proposed for it? A tax on every species of property in Ireland—a tax by which it was proposed to take off a portion of the burthen which now rested on the landlords of Ireland, and to place it on houses and funded property. Against that proposition he begged leave to enter his protest, as an Irish landlord. To a system which relieved his land at the expense of the rest of the community he would always give his strenuous opposition. He would likewise take that opportunity of entering his protest against those combinations which prevailed at present in Ireland, to injure and oppress all persons who came forward to pay to the clergy of the religion in which they conscientiously believed. It was not to be tolerated, that an excellent country gentleman like Lord Cloncurry, who might be held up as an example to every man of his class in Ireland, and a benevolent man like Mr. Bourne, should be placed, as it were, out of the pale of society by combinations which prevented the one from getting the hay upon his estate mown, and the other from getting the horses upon his line of road attended to. Mr. Bourne had actually not been able to fulfil his contract with the Post Office, because nobody would work for him. Against such combinations he thought the gentlemen of Ireland were bound to make a stand, for they might depend upon it, that if they did not, opposition to the payment of absentee rents would come next, and then what security would there be for the payment of rents even to the resident proprietors? All persons who respected property, all the friends of order, would, he hoped, rally round the Government, and, for their own sake, support it cordially on this question. He trusted property and intelligence would be arrayed on its side, and that their efforts would be sufficient to bring back the lower orders to a sense of duty. He should be ready, if that were not the case, to give Government greater power than at present. There was no man who had a more sincere affection for Ireland than he had, or a more sincere affection for liberty, but these affections should never prevent him from resisting those combinations which now existed in Ireland; for they would be fatal to the happiness of the country, fatal to the right of property, and destructive of all order. At the same time, he must say, that he was most anxious to see a thorough reform made in the Church Establishment of Ireland: for he considered such a reform to be wanted, and he looked upon a Church Establishment as an institution created for the benefit of the State; and, therefore liable to the regulation of Parliament. He should most cordially support—and, if it were not undertaken by other parties, he would pledge himself in the ensuing Parliament, if he were a Member of it, to bring forward—a motion upon that subject. He thought that a reform in the Church Establishment of Ireland was absolutely necessary to satisfy the people of that country. He did not, and could not, recognise the right of the Irish Church to its present enormous revenues, though he cordially supported the plan of the right hon. Secretary, as a means of keeping in the power of the State the disposal of the revenues of the Church. But he was thoroughly satisfied that the Church of Ireland ought to be reformed, both for its own safety and the contentment of the people.

Mr. *Dawson* said, there was no subject that could be discussed of greater importance than the question before the House. He gave the right hon. Secretary for Ireland credit for a sincere wish to support the Church of Ireland, and he claimed for himself the merit of a zealous determination to uphold all the rights of the Irish. He, therefore, had every wish to aid the views of the right hon. Gentleman; but after all the consideration he could give to the subject, he did not believe the three measures propounded by the right hon. Gentleman would be attended by success. They would not secure the property of the Church, but overturn it altogether. The mere question before the House, whether the tithe composition should be made compulsory or not, would be of little consequence, were it not that the right hon. Gentleman had introduced it in conjunction with other measures, not to be immediately pressed forward, which other measures he looked upon as calculated to overturn the independence, and destroy the property, of the Church. The right hon. Gentleman had declared that tithe in Ireland must be extinguished. The people had hailed that declaration with joy, and tithe would be extinguished for ever. The question for tithe, or composition for tithe, was at an end.

Mr. *Stanley* said, he had not declared that tithes should be extinguished. The word was used by the Lords' Committee.

Mr. *Dawson* knew the feeling of the people of Ireland, and was convinced, after such a declaration, that the plan of the right hon. Gentleman would fail. He might make laws, but, after such a declaration, his enactments would be only waste paper. The right hon. Gentleman proposed a boon of fifteen per cent to the landlords of Ireland, to induce them to settle the tithe question. But the landlords of Ireland could never wish to put any part of the tithe into their own pockets. The amount was, perhaps, 700,000*l.* a-year, and he was sure that the landlords could not desire to appropriate the property of others. As a landlord of Ireland, he repudiated the suspicion. If the right hon. Gentleman wished to relieve the people of Ireland, he would not propose to put fifteen per cent of the tithes into the pockets of the landlords, but would devise some scheme which would put it into the pockets of the unfortunate occupiers of the soil, who groaned under this charge, whose combinations had reduced the right hon. Gentleman to the necessity of making an alteration in the law. It was unjust to the landlords of Ireland to make them tithe-proctors, and give the hard-hearted, an advantage over the humane landlord. A good landlord would probably give his tenant any benefit he might derive from this arrangement; but the bad landlord, the oppressor, the extortioner, of whom everybody complained, who would give no relief to the people of Ireland—who would not listen to Whitefeet or Blackfeet—would put this fifteen per cent into his own pocket, and leave the people to suffer all the grievances, and injuries, and extortions, under which they now laboured. Was that fair to the landlords of Ireland? After carefully reading the evidence, it appeared to him, that it would be a fair thing to assess this charge in the shape of a land tax upon the country; for the Government to become its collectors, and take all the odium and responsibility of continuing the charge, instead of referring it to the unfortunate landlord. Did the right hon. Gentleman know the people of Ireland? Did he suppose that he secured Church property, by making every landlord its enemy? Was it possible to imagine that any man would have a receiver put upon his estate, because the tithes happened to be one year in arrear? They knew, from the evidence before the House, that the collection of tithes had been the subject of perpetual contest for two centuries. Since tithes were first imposed in Ireland the contest between the occupier of the land and the clergyman had never ceased; and did the right hon. Gentleman think the people of Ireland so besotted, so ignorant, so stupid, as not to see, that if the charge was transferred to the landlord, the burthen would not fall less upon them? Did he wish to array the landed proprietors of Ireland in one invincible cohort against his measures? It was unfair to place the landlords of Ireland in such a position. Let them pay their share of any burthen, but let the Government take the responsibility of collecting it. Any one who knew Ireland must be aware, that in the present excited feelings, it would be perfectly useless to transfer this charge to the landlord. The question of the Church Establishment of Ireland, either in this Parliament or the next, must come under the fair, clear, and intelligible consideration of Parliament; for, out of an excited population of nearly 8,000,000 in Ireland, there were not above 600,000 or 700,000 who belonged to the Established Church—the great majority of the Protestants being Presbyterians, were as adverse to the tithes as the Roman Catholics. Something, therefore, must be done with regard to the Established Church; but the three Bills of the right hon. Gentleman, struck it a more fatal blow than it ever before received. He could not conceive how the Committees of either House of Parliament, comprising many Gentlemen interested in the Church Establishment of Ireland, could bring their minds to believe that this would be a satisfactory arrangement. Let any man state the communications he had received from Ireland with respect to this plan, and he would venture to say, that they all expressed an opinion that the propositions of the right hon. Gentleman would not tend either to the settling of this question, or to the security of the Established Church. He knew, from the expressions which had dropped around him, that the opinions he had uttered were not palatable to the firm supporters of the Church; but he trusted that he knew the Church Establishment in Ireland as well as they did. He had made it his duty to refer to those interested in, or connected with, the Established Church of Ireland, and not one opinion he had received was in favour of the plan submitted to the House by the right hon. Gentleman. There was an universal feeling, on the contrary, that the right hon. Gentleman was responsible for the idea that existed in Ireland with respect to the extinction of tithes. He might explain away his words as he liked, but they never would be wiped away from the minds of the people of Ireland. He might have meant to say, not that there should be an extinction, but that there should be a commutation of tithes; but that was not what was understood by the people of Ireland, and the anathema having gone forth, the right hon. Gentleman was responsible for the combinations which had assumed their present alarming appearance. He would venture to say, that with all his ingenuity and knowledge of the country, he would not be able to reduce things to their original state. He did sincerely hope that the House, before it decided upon this question, would mark, in some way or other, its opinion as to the necessity of maintaining, in the fullest degree, the rights and interests of the Protestant clergy. He could tell the right hon. Secretary, that the landlords of Ireland would not assist him in his present plan. It was rather too great a measure of patriotism for the right hon. Gentleman to expect from them. He had heard the right hon. Gentleman say, that they were too much attached to their own interest, and demanded a higher rent than their tenants were able to pay. He would venture to say, there was no question less understood than this, and, when it came before the House, he should be ready to defend the landlords of Ireland. In the mean time, if the right hon. Secretary had predetermined to abuse and lower the landlords of Ireland, upon whom he wished to impose this burthen, he would find them a body of men very little inclined to submit to his aspersions, or assist him in his endeavour to make them more unpopular than the right hon. Gentleman wished the House to believe they already were. The plan of the right hon. Gentleman would make 500 enemies to the tithe system, where there was now only one, and the landlords of Ireland would be the first to join with the peasantry of the country in resisting the payment of this charge. He should like to hear from the Solicitor General for Ireland, what chance he could have of settling the prosecutions against the gentlemen who had been taken up for encouraging combination. They would be brought to trial before a Jury of their countrymen, but the Jury would be composed of persons on whose land this charge was made, and who had been engaged in these very combinations. Was it to be supposed they would find a verdict of guilty? The right hon. Gentleman might laugh; he knew but little of Ireland, or he would see that he had begun a warfare of which he might never witness the end —that he was now plunging himself deeply into that system of combination which he and his colleagues had encouraged, and the end of which could not be foreseen. The only instruments at the disposal of the Government in Ireland would be the police, and when individuals had been taken up, the right hon. Gentleman was mistaken if he supposed that Juries or country gentlemen would aid him in bringing his system into operation. After the encouragement the people had received to enter into illegal combinations, it could not be expected they should all at once give them up. He was glad that an individual might deliver his opinions in that House without being responsible for the success of any measure; for it was not his intention to support the right hon. Gentleman, or give his vote against the Bill. There was one part of the Resolutions which had some semblance of reason and truth. If the right hon. Gentleman supposed that, in the last month of the sitting of a condemned Parliament, he was to dispose of the Church property of Ireland, he was greatly mistaken. His opinion was, that the measures of the right hon. Gentleman would not be final; and he shook himself free from any responsibility of their failure. He would neither support nor vote against those measures.

Mr. *Crampton* was not a little surprised at the conclusion to which the right hon. Gentleman had come. Having delivered sentiments in one part of his speech directly opposed to those with which he concluded, he told the House that he had delivered no opinion upon the merits of the measure proposed, and that he would take no responsibility of any kind upon himself, either by approving or disapproving of that measure. If one had heard the former part of that speech in any other assembly, and had then listened to the latter part of it, he would have supposed that it had been made by two persons, diametrically opposed to each other in opinion. In the first part of his speech the right hon. Gentleman took the Conservative side, and accused his right hon. friend of having been the author of the combination against tithes, in which combination he declared, in the latter part of his speech, he was ready to join as a landlord. The ground of the right hon. Gentleman's accusation against his right hon. friend was, that he declared that tithes should be extinguished in Ireland; was that a fair charge and was it founded in fact? Did not the right hon. Gentleman know, that the resistance to tithes commenced in December, 1830, and that the combination existed full one year before that expression was uttered? And did the right hon. Gentleman forget, that with that expression, extinction of tithes, the declaration was made—that such extinction was to be by commuting them for a charge upon land. He knew that both parties had misrepresented this language, as well as the language of the first report of the Tithe Committee. In Ireland it had been asserted, that that Committee had determined that tithes should be for ever extinguished. That statement had been made by right hon. Gentlemen, and by reverend persons of high character, in loyal assemblies, who declared the intentions of his Majesty's Government were directed against the existence of tithes, forgetting to add, that they were to be extinguished by a commutation on land. The right hon. Gentleman said, that tithes could not be said to be extinguished if there was to be a commutation; but the expression was proper and usual. Were not tithes extinguished when they were entirely at an end, and when, in point of fact, rent became payable instead? Did not the right hon. Gentleman know, that it was quite a common species of legislation to extinguish tithes in that way? The question had been very much mooted in the House, and had been the subject-matter of several Acts of Parliament; but he would take the latest as an instance, which was passed in the first and second years of the present reign: and what was the title of that Act? It was "an Act for extinguishing tithes and customary payments in a certain parish in the county of Caernarvon, and for making a compensation in lieu thereof." Did the right hon. Gentleman ever consider that the Church was in danger by the Legislature thus extinguishing tithes? the very preamble of this Act of Parliament stated that it was in consequence of the contentions and disputes which had arisen in this parish, on the subject of tithes, between the payers and the lay owner, that it became desirable to substitute a commutation for them. This was precisely the doctrine which had been adopted by his right hon. friend, and, therefore, he trusted no more would be said about the extinguishment of tithes. Another statement made by the right hon. Gentleman was equally inaccurate. He stated that tithes had already ceased in Ireland; that the people would pay them no more, and that, therefore, this measure was entirely useless. If, indeed, such were the case, he knew not what measure the right hon. Gentleman would propose; but he begged to state, that the evidence before the House, as to the state of Ireland, would not warrant his assertion. It was not the fact that tithes had ceased. He knew that in two provinces in Ireland there existed a combination most formidable and dangerous, not because it was a combination against tithes, but because it was a combination against the law of the land; and as he had said before, if the law of the land did not put down that combination the combination would put down the law. The Bill was not for the purpose of despoiling the Church, but to do away the grievances of the people, and to improve the condition of the peasantry of Ireland; he considered it a measure not merely of policy, but of absolute necessity. It was the duty of Government to step forward in this crisis of danger to the Established Church of England, as well as Ireland, and vindicate the law by putting down this combination. He admitted that the evil was great, but it had been grossly exaggerated. Let him tell the right hon. Gentleman, whose speech had been directed with such force against this measure, that if he were even canvassing a Presbyterian county in the north of Ireland, as of course he was not—but if he were actually making an electioneering harangue, he could not have made a better speech.

Mr. *Dawson* rose to order. He had not made a speech for electioneering purposes. He was not an Irish Member; but, as a Member of Parliament, he asserted his right to speak on Irish affairs, in which, as an Irishman, he felt a deep interest.

Mr. *Crampton* was sorry inadvertently to have offended the right hon. Gentleman. He knew that the right hon. Gentleman was an English Member, and therefore he had said, that if an Irish Member —looking to an Irish county of Presbyterians—had made such a speech, it would have been the very best electioneering speech that could be imagined. That had no reference to the right hon. Gentleman, who was an English Member. To resume his argument; he was correcting the statement of the right hon. Gentleman as to the universal resistance to tithes in Ireland, and was ready to assert that the combination did not extend over the whole of that part of the kingdom. It existed in Leinster and Munster. And how did it grow up in Leinster? It was very easy for agitators, whether Whigs or Tories, Conservatives or Radicals, to excite the people in Ireland to a high degree; and, as a proof of this, the history and origin of the combination in this province might be quoted. It took its rise in a particular parish in the county of Kilkenny, where the schoolmaster was the first agitator. From this particular parish it extended over the whole province, by the united means of intimidation, seduction, and the most unfair and odious artifice and sophistry. By the same means it was afterwards extended over the province of Munster; but beyond these two provinces that combination had not gone. It existed neither in the Protestant province of Ulster, nor in the Catholic province of Connaught. The agitators would not take the trouble and expense to send forth from their political arena in that province their denunciation, and, therefore, the tithes were still regularly paid in Connaught. But the statement of the right hon. Gentleman, which now was only prophesy, might, before many days elapsed, become a truth. The prophesy might accomplish itself, and the people might make common cause and combine, even in these latter provinces, if such declarations were to go forth, as those just made by the right hon. Gentleman. What did the right hon. Gentleman tell the people, and what had he told the House? —that if the measure of his right hon. friend was carried into law, the landlords of Ireland would feel themselves compelled to unite with the people in their resistance to tithes. But did the right hon. Gentleman know that those combinations were against the law—that they were confederacies for the purpose of openly violating that law; and did he know by what acts those combinations were characterized—by midnight robbery, violence, and murder, and by everything vile and odious in the sight of man; and did the right hon. Gentleman think it consistent with his dignity, station, and high character, he being a landlord, to countenance and unite himself with these confederacies? But he would not dwell upon this—he was sure that the expression escaped the right hon. Gentleman in the heat of the moment, and he could not suppose him capable of pursuing such a course. The right hon. Gentleman had, however, taken upon himself the task of advocating the cause of the landlords of Ireland. He said they could not suffer themselves to be made tithe-proctors. There was no intention to make them tithe-proctors—there was nothing in the Bill of a coercive nature—it merely offered the landlord the option of taking upon himself to pay the tithe, but there was nothing in the Bill which could compel him to do that. Let him explain this in a few words. By the common law if the estate were occupied by the owner, he was bound to pay the tithe; but, if he granted a lease, the tenant was bound to pay the tithe. What was the source of the grievance in Ireland? Why, the poor occupant alone laboured under the obligation of paying the tithes. It might be, indirectly, a grievance to the owner of the estate, but the poor and wretched occupier of the land suffered most. The first object, then, of the Bill was, to put an end to the liability, of the occupier, and relieve the tenant-at-will, who might be turned out of possession at any time, from this charge. The Bill, therefore, in the first instance, would benefit the tenant, but the landlord would equally derive advantage from it; for there would be no such pressure on him as the right hon. Gentleman supposed, because the Bill only offered him the option of becoming the tithe-payer, and, should he take that upon him, he would receive a per centage for his trouble. The misrepresentation, therefore, of the right hon. Gentleman was obvious, but that had arisen only from the circumstance of his never having seen the Bill, which was not yet printed. The right hon. Gentleman also conceived that a receiver would be appointed in all cases where any temporary delay in the payment of the tithe, took place, and, therefore, he talked of the grievous oppression of the landlord which this Bill would occasion. Let him undeceive the right hon. Gentleman. In the first place, the landlord must voluntarily take upon himself to pay the tithe before this odious receiver could be put upon his estate. If he took upon himself to pay the tithe, he might then become a debtor, and should he become a defaulter for 10*l.* or 20*l.*, was the receiver to be put over the whole of his estate for its recovery? No; but the provisions of the Irish Act of Parliament, in reference to receivers under mortgages, were to be adopted, and the receiver would be appointed over only so much of the estate as was sufficient to meet the demand. That was the whole charge which could be fairly brought against this measure, as far as concerned the receiver. He did not intend to address the House on this occasion, wishing rather to reserve what he had to say until the Bill should be before the House; but he felt himself called upon to answer some of the objections of the right hon. Gentleman, who had evidently spoken in entire ignorance of the details of the Bill; showing how exceedingly inconvenient it was to enter upon the discussion of a measure which had not yet been introduced. But strong as might be the objections of the right hon. Gentleman, to this particular measure he must be of opinion that something ought to be done. It was agreed on all sides, that some legislative enactment was necessary to put down that combination and conspiracy against the law, which existed in Ireland. Whatever might be the cause of that conspiracy, it was the bounden duty of the Government to assert and vindicate the law; while, at the same time, it was the duty of the Legislature to make the law popular. He meant not, by that expression, that they were to make the law pleasing to the schoolmaster who had been lecturing in Kilkenny, or to the agitators and demagogues of the day—those were not the persons with whom he wished to make the law popular; but to the sound, and rational, and untainted, and sober-minded portion of the people—who formed he trusted the great majority of the people. It had been said, that the law was not enforced, and that Juries would not convict. He had received that day a communication from Ireland, in which he was informed that in the county of Wicklow no less than six persons had been convicted of offences arising out of these combinations, and a plea of guilty had been entered by forty-six other individuals. The law would be vindicated, and let not the right hon. Gentleman tell the House, or the country, that the Juries of Ireland would not do their duty. Why should Gentlemen think that the combination against tithes would become more general in consequence of the declaration on the part of Ministers, that they never intended to extinguish tithes in the sense in which the right hon. Gentleman, and others, who ought to know better, had persisted in ascribing to them? If anything were wanting it was a legislative declaration that tithes were to be extinguished by commutation. Such a declaration was necessary in order to undeceive the people who had been deluded upon that subject, and to show the Church of Ireland the Government was not about to abolish the property of that Church, and to convince the landlords they were not to be allowed to put, as spoils, that property into their own pockets. He knew that the landlords of Ireland were incapable of committing such an act of spoliation, nor did he impute to them such a base and odious idea. But with reference to the mode in which tithes were to be commuted, there might very fairly exist differences of opinion. He could well imagine that the right hon. Gentleman might prefer a land tax to the mode of commutation proposed by the Bill. He did not agree with the right hon. Gentleman; but they ought to go into Committee for the very purpose of discussing what should be deemed the best mode of commuting tithe. The object of the Bill was, to make a commutation, and it might possibly turn out, that that might be effected by a land-tax. Much as he lamented the existence of those grievances of which the people of Ireland complained, he conceived that it was the bounden duty of Government, and of the Legislature, to put down combination and conspiracy against the law, and if they did not, that combination would finally throw the whole powers of legislation into the hands of the peasantry of Ireland.

Mr. *Dawson* begged to say one word in explanation. What he had said was, that if this measure were passed, the landlords of Ireland would necessarily be obliged to combine; but, as far as he was concerned, he should join in no such combination; because, in those parts of Ireland where he had property, tithes were already compounded for. So far from joining any combination he should feel it his duty, as an Irish Gentleman, to give it his utmost opposition.

Sir *Robert Peel* rose, and proceeded to address the House, but was received with loud cries of "Spoke! Spoke!" Since he had spoken, amendments had been made and questions of adjournment put, and on every one of those he had a right to speak. He was about to say, that he approved of the first part of the speech of the noble Lord, the member for Devonshire, [*renewed cries of* "*spoke*]."

Mr. *Lambert* rose to order. The right hon. Baronet had spoken on the main question in answer to his (Mr. Lambert's) observations.

Colonel *Perceval* rose to order, but his words were quite unintelligible from numerous cries of "Spoke" and "Chair."

The *Speaker* on being appealed to, said —If any hon. Member is able to say that he perfectly recollects at what period of the two nights' discussion that we have had on this subject any other hon. Member addressed the House, he is able to do more than I can. During those two nights we have had three or four motions for adjournment. On each of those motions each Member, although he had before spoken, was again entitled to address the House. Many did avail themselves of that privilege; and in these discussions on motions for adjournment the main question was frequently introduced into debate. If, under these circumstances, I am called on to say at what period of each distinct discussion any hon. Member spoke, and whether he spoke only to the question of adjournment or introduced into his speech the main subject of debate, I shall be called on to do that to which I am quite unequal.

Sir *Robert Peel* proceeded. He would compromise with hon. Members opposite by assuring them that he should be very short in the observations he had to address to the House. He was chiefly anxious to declare his entire concurrence in all that fell from the noble Lord opposite in the former part of his speech. He looked upon it as the paramount duty of that House, without reference to divisions of opinion upon party questions, to support the Government in their efforts to put down the conspiracy against the laws now existing in Ireland. It was of the utmost importance, too, that throughout Ireland and England it should be known that they were ready and determined, under all possible circumstances, to support his Majesty's Government in enforcing obedience to the laws. It was totally unnecessary for the noble Lord to vindicate his character against any imputations of being unfriendly to the liberty of the subject in the course he was determined to pursue. How could he show himself a greater friend to the liberty of the subject than in opposing with all his force those enemies of all liberty, the abettors of the vilest system of tyranny that the friends of liberty were ever subjected to? Liberty? Good God! what liberty could there be where, if a man showed a disposition to pay his just debts, he became the object of immediate and almost unanimous persecution? It had been well said by Madame Roland, as she was hurried to the scaffold, "Oh Liberty!" (she was passing the statue of Liberty) "what crimes are perpetrated in thy name!" What could be worse than the system of terror at present going on in Ireland? It was their duty to assist the Government in causing the law to be respected, and if the existing law, in which he had great confidence, had been exhausted, and had failed in restoring order and obedience, let the executive Government resort to Parliament, and doubt not they would be supported. What was the question? It was, not whether a receiver should be appointed, but whether a conspiracy to defraud men of their legal rights should be triumphant or not? The proposition of the noble Lord was most reasonable, and it was highly beneficial and consolatory in its nature to the Roman Catholics. God grant that those who set the example of the non-payment of tithe might never profit by it. It would be much better hereafter if spoliation were not now successful, for those who were urged on to the plunder. He had no interest in the avowal of these sentiments. He was not now connected with the Church of Ireland or of England, as he had formerly been, neither did he expect again to be so connected. But wishing what was right to be done, and that an illegal combination should not triumph, he was determined to give all the support in his power to his Majesty's Government in whatever measures might be necessary. He had heard of conspiracies against Governments; he had heard of conspiracies against party ascendancy, conspiracies to put down one form of Government and to set up another; he had heard of conspiracies against illegal ordinances, as of late in France; but of all the ignoble conspiracies he had ever heard of, that was the basest which sought to defraud individuals of their just dues. The Government, he hoped, would be firm. Combinations of physical force must be put down by law; but he would prefer seeing them put down by the influence which men of education ever possessed over the minds of the ignorant and deluded. Depend upon it, if the conspiracy against tithes remained, and the Legislature suffered it to triumph, there would be no security for any species of property, or for the execution of any law by which property and life were protected.

Mr. *Walker* said, the operation of the Bill would be very partial, and that it would not affect property under existing leases, and for land of which the lease was about to expire, a higher rent would be demanded, which would excite dissatisfaction. The terms, too, of the proposed commutation were unjust, and he should oppose the Bill, because it would not work, and would only add to the complexity of the system.

Mr. *Chapman* adverted to the irregularity—as he maintained it was—of the right hon. Baronet's addressing the House a second time, and observed, that he hailed the anxiety which the right hon. Baronet had evinced to palm upon the House a second address upon this subject, as a good omen to the cause of those who opposed the measure. He must maintain, however, that, independently of his allusion to Madame Roland's exclamation, which had no reference to the question, the right hon. Baronet, in his speech of that evening, had said nothing. If, instead of introducing the expression, "Oh Liberty! what crimes are committed under your name," he had exclaimed, "Oh Order! what anarchy do you create," he certainly thought it would have been much more to the point. The only way to do away with the conspiracies, or combinations, as they should more properly be called, which at present existed in Ireland, was to remove the grievances which had given birth to them.

Mr. *Praed* observed, that the little he had to say might have been uttered whilst hon. Members were preventing him from speaking by cries of "Question." He had much to say upon the subject under discussion, and should have been well pleased to have had an opportunity of declaring his sentiments at length; but he was aware that at that time, when the hour of the night was so late, and when the patience of the House appeared to be exhausted, he should not find such an opportunity as he could avail himself of. He could not help thinking with the hon. Gentleman who had last addressed the House, that it was a good omen for the righteous cause that the powerful eloquence of the right hon. Baronet (Sir Robert Peel) had been called forth in its defence; and, he hoped he might be permitted further to say, that he thought it also a good omen that he had been answered by the hon. Gentleman (Mr. Chapman). He rejoiced that the right hon. Baronet had persisted, in spite of the interruptions by which he was assailed, in repeating the declaration that his valuable and powerful support would be given to Ministers throughout the whole of the discussions upon this question. That hon. Gentleman told them there was nothing in the speech of the right hon. Baronet unless it were the passage he quoted from the French lady. Surely the hon. Gentleman could not have heard the speech upon which he pronounced such condemnation. In his opinion, that speech teemed with the most powerful argument against the illegal combinations which existed in Ireland. He did not rise to enter into any argument or make any speech upon the question before the House. He rose merely to deliver a single opinion upon the subject, which, after that night, he feared he should have no opportunity of doing, however many opportunities there might be for other Members of the House. In case, therefore, he should have no other opportunity he wished then to declare that his most earnest support should be given to his Majesty's Ministers in their measures for the suppression of the conspiracy against the payment of tithes. And as far as he had opportunities of judging they already had the sympathies of the well-disposed and right thinking part of the community. That those conspiracies were incompatible with the peace and welfare of the country must be obvious to every man who would condescend to think upon the subject. His Majesty's Government had met in him a bitter opponent of many of their measures; but in the policy of the right hon. Gentleman who conducted the affairs of Ireland in that House he was prepared to repose unlimited confidence. He could not but see the difficulties which stood in the way of legislation upon this subject. He saw that there was a conspiracy not against tithes only, but against every species of property—a conspiracy which was not confined merely to the uneducated, the illiterate, and low born, but extended to the educated, the enlightened, and the exalted in birth. He was glad to see two Gentlemen who generally agreed upon the subject of Ireland differ as to this fact. He was afraid the fact could not be denied. When he saw a man with a supposed mitre on his head stating historical facts with a degree of perversion which would be absurd were it not productive of mischief in the minds of the ignorant and low born to whom it was addressed, how could he doubt that the conspiracy against truth and justice in Ireland extended to those who ought to know better? As he had already said, he had not risen to argue the question, but merely to declare his entire confidence in the right hon. Gentleman opposite (Mr. Stanley), so far as his measures with reference to Ireland in her present condition were concerned.

Mr. *Maurice O'Connell* said, the hon. Gentleman was quite right in saying the spirit of resistance to tithes was not confined to the illiterate. This never could be said when landlords and landowners were seen coming forward and taking part with the people. Influential men took the lead, proving that the ulcer was not merely raised by the blister of the moment, but went to the heart's core. This circumstance in itself ought to arrest the attention of Government, and teach it to pause ere it forced this system upon the reluctant people of that country. The origin of resistance to tithes might be traced at least up to the organization of the White Boys, in 1755; and that resistance was not confined to two provinces of Ireland. The fact was not so; the organised resistance to tithe had extended itself through the province of Connaught. The hon. Gentleman had talked about a "supposed mitre." He could tell him that before ever a mitre was worn by any Bishop of the hon. Member's Church, one was worn by a Saint, the predecessor of the reverend person to whom he alluded, four or five hundred years after Christ; and never did a mitre fall on brows which did more honour to it. Before the hon. Gentleman treated lightly the dignitaries of his (Mr. O'Connell's) Church he ought to look to the conduct of his own.

Major *Macnamara* concurred in the objections made by his hon. friend, the member for Kerry, to the proposition before the House. Ireland had never got anything except by agitation. She got the Relief Bill by agitation, by the apprehension of physical force, and would get relief from tithes by no other means, except through the interference of Parliament.

Lord *Ingestre* gave his Majesty's Ministers his most cordial support on the subject under consideration.

The House divided on the Amendment:—Ayes 32; Noes 124;—Majority 92.

List of the AYES.

Bellew, Sir P.
Blackney, W.
Blamire, Wm.
Brabazon, Lord
Browne, J.
Bulwer, E. L.
Callaghan, D.
Chapman, M. L.
Doyle, Sir J. M.
Fitzgibbon, Col.
French, A.
Grattan, H.
Hort, Sir J.
Hume, J.
Jephson, C. D. O.
Killeen, Lord
Lambert, J.
Leader, N. P. L.
Macnamara, Major
Mortimer, Hon. H.
Mullins, F.
O'Connell, M.
O'Connor, Don
O'Ferrall, M.
Power, R.
Ruthven, E. S.
Sheil, R. L.
Torrens, Col.
Walker, Wm.
Waller, T.
White, S.
Wyse, T.

TELLERS.

Grattan, J.
Lambert, H.

Original Question put, and leave given to bring in the Bill.

* * *

HOUSE OF LORDS,

Monday, July 16, 1832.

MINUTES.] Petitions presented. By the Earl of RODEN, from the Corporation of Joiners, Dublin, for a Repeal of the Union.—By the Earl of RADNOR, from Newport (Monmouth), in favour of the Ministerial Plan of Education (Ireland); and by a NOBLE LORD, from Youghall, against that Plan.—By the Earl of FINGALL, from four Places in Ireland, against Tithes and Church Cess.—By the Earl of RADNOR, from the Prisoners confined in the King's Bench, for making Coroners' Courts, open Courts.

CORPORATE FUNDS' BILL.] The Earl of Radnor moved the third reading of the Corporate Funds' Bill.

The Earl of *Eldon* said, as this was precisely like a bill which their Lordships had rejected, two Sessions ago, he hoped that they would now reject this Bill. If corporate funds were illegally applied, the law gave a remedy, but this Bill was another invasion of private property, and he should be wanting in his duty if he did not oppose it.

The Earl of *Radnor* said, the object of the Bill was, to prevent Corporations from expending their funds for electioneering purposes; and it originated in consequence of the conduct of the Corporation of Leicester, which could not be remedied. The funds of a corporation, so far from being private property, belonged to the whole of the people in the corporation; and this Bill, instead of being an invasion of private property, was, in fact, intended to secure it.

Bill read a third time, and passed.

BREACH OF PRIVILEGE—CASE OF MR. ALLISON.] Lord Dundas presented a Petition from Mr. John Wright, complaining of having been struck by a witness in one of the Committee-rooms of their Lordships' House, and praying that he might be heard at the bar.

Mr. Wright was accordingly called to the bar, and sworn.

In answer to questions put to him by the Lord Chancellor, he stated, that he was an agent for the Ship-owners of Sunderland opposed to the Sunderland Dock Bill, then under the consideration of a Committee of their Lordships; that immediately after he had quitted the Committee-room that morning, and while still in the House of Lords, he was accosted by Mr. James Allison, a ship-builder of Sunderland, who was a witness on the other side of the question, who said to him, "How dare you allude to me in your speech?" and then struck him in the face; that he made no reply, but thought it his duty, both to their Lordships and to himself, to bring the matter before the House. He had certainly addressed the Committee on behalf of his clients, and in the course of that address had certainly alluded to Mr. Allison; but he hoped that when the observations which he had made should come to be read by the short-hand writer, it would appear that they were perfectly fair, and such as he was entitled to make in the discharge of his duty.

Mr. Wright withdrew; and Mr. Allison, on the motion of the Lord Chancellor, was ordered to attend at their Lordships' bar the next day.

MOFFATT'S DIVORCE.] The Earl of *Eldon* moved the second reading of Moffatt's Divorce Bill. The noble Earl explained, that it was the case of a lady seeking to be divorced from her husband; and, though she had married him against her father's consent, he did not think that was a good reason for denying her prayer. Her husband had been guilty of gross acts of adultery, and drunkenness; she had done all in her power to obtain redress, and as their Lordships had already granted prayers of this description, he thought Mrs. Moffatt was entitled to relief.

The Earl of *Radnor* opposed the Motion. He did not deem it sufficient ground for an act of legislation, that a lady had been ill treated by a husband whom, before she married, she knew to be worthless: her sufferings were the consequence of her own imprudence, and the Legislature ought not to help her.

The *Lord Chancellor* also opposed the Motion. There were only two cases in which a woman had obtained a divorce, and that was in cases where the husband had committed the adultery with the wife's sister, and the incest was the main ground for passing the bills. But here there was no incest, but the simple adultery, accompanied by desertion. At present, when the wife behaved well, there was no way by which a profligate husband could obtain a divorce, but by committing adultery and spiriting the wife up to demand it. If, therefore, their Lordships were to encourage women in coming to their Lordships' House for a divorce, they would only enable profligate husbands to get divorced from the women they disliked, and marry others. The right of property, and other things, depended on the wife's not committing adultery; and there was, therefore, a good reason why the man should have a remedy not granted to the woman. This was, he admitted, a case of great hardship as far as Mrs. Moffatt was concerned; but, if Parliament should adopt this new precedent, it would open the widest door to collusion.

Lord *Wynford* opposed the Bill. The difficulty of dissolving the marriage-tie, was one of the greatest securities of social life, and as relief could not be given to Mrs. Moffatt without granting impunity and indulgence to Mr. Moffatt, he should oppose the Motion.

The Earl of *Eldon* said, there was no evidence whatever of any collusion in this case.

The House divided on the question that the Bill be read a second time—Contents 8: Not Contents 16;—Majority 8.

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HOUSE OF COMMONS,

Monday, July 16, 1832.

MINUTES.] Petitions presented. By Mr. JOHN HOPE, from five Flaxspinning Mills in Scotland, against the Factories Regulation Bill.—By Mr. THICKNESSE, from Wigan, against the Vagrant (Scotland and Ireland) Removal Bill.—By Mr. HEYWOOD, from Pilkington and Manchester, in favour of the Ministerial Plan of Education for Ireland.—By Mr. O'CONNOR, from Cloonacool, for the Abolition of Tithes.—By Mr. HUME, from Belfast, for an Inquiry into the Practice of the Admiralty Court; and from the Merchants and Manufacturers of Airdrie, for a Clause in the Stage Coach Bill to exempt Carriages propelled by Steam from its operation.—By Colonel PERCEVAL, from Sir Harcourt Lees, against the Irish Reform Bill.—By Mr. DUDLEY RYDER, from Tuxford, East Retford, and Blunham, for the better Observance of the Sabbath Day.

POSTPONEMENT OF BILLS.] Mr. *Baring* begged to observe, that although he felt that the Bill he had introduced, called the Privilege of Parliament Bill, would be extremely useful, yet, considering the advanced state of the Session, the great press of public business which existed, as well as the state of the health of the metropolis, he feared he should not be able to get it through this Session. It was his intention on Wednesday to move that the Order of the Day for the Committee be discharged, in order to withdraw it for the present year. If not irregular, he would then do so.

The *Speaker* having intimated that the hon. Member might then make his motion, he moved accordingly, that the Order of the Day for the committal of the Bill be postponed to the 1st of October.

Lord *Althorp* agreed with his hon. friend, that it would be impossible to get the Bill through at the present stage of the Session. As the subject had been touched upon, he would avail himself of the present opportunity to ask of the courtesy of the House, to allow the Government business precedence upon Wednesdays, until the end of the Session. This would give an additional order day every week, and most materially expedite the public business that remained undisposed of.

Mr. *Portman* wished to know whether, after two years' waiting, he might not be allowed to go on with the Highways' Bill?

Lord *Althorp* said, he thought it would be impracticable to get it through the Lords this Session.

Mr. *John Campbell* wished to take that opportunity of saying, that he would not press the Registration Bill this Session He was happy to say, that the Committee to whom the subject had been referred had this day, with a few doubts and difficulties, reported in favour of registration He meant on Wednesday to move the second reading of the Bill *pro forma,* and its committal, for the purpose of introducing a few amendments and alterations. He would not pledge any hon. Member to support the Bill, and the country would have sufficient time to consider the merits of the proposed measure.

Mr. Baring's Motion agreed to.

RUSSIAN-DUTCH LOAN—CONVENTION.] Lord Althorp moved the Order of the Day for the House to resolve itself into a Committee of the whole House, to take into consideration the Convention with Russia, of November 16th, 1831.

Mr. *Baring* said, that he felt it his duty, at this stage, to offer some observations to the House. The circumstance which induced him to prefer coming forward on the Order of the Day being moved was, to avoid the necessity of refusing to the Crown, in Committee, their direct and positive aid. Undoubtedly, it could not be but with great reluctance, that the sanction of Parliament should be refused to any treaty which had been entered into by the Government, and the ordinary practice of the House was, to let its censure fall upon Ministers, rather than send the King back to any foreign Power with whom he had made a treaty, and tell that Power that his Parliament would not enable him to fulfil his engagement. He was aware that, at so late a period of the Session, it was difficult to obtain the attention of hon. Members, but as the subject was of great importance he entreated to be heard for a short time. The question was one of great importance. It was not only important as concerning a large grant of public money, but it was also important in a constitutional point of view. His reason for calling upon the House to pause was, that it might consider whether there was not some intermediate course which might be adopted to preserve it from the difficulty to which he had adverted. The question was in this position: the right of the Government to make the payment had been twice discussed, and it had been affirmed, on both occasions, by very slender majorities. And it should also be borne in mind how those majorities had been procured. The noble Lord, the Chancellor of the Exchequer, on the last occasion, feeling the weakness of the legitimate argument in support of his proposition, had recourse to the stringent observation, that the vote would decide—the fate of the claims of Russia? No; the fate of the Government. It required no reasoning or eloquence to show, that when the noble Lord fled to such a declaration, he was hard pressed. And really, without pretending to be at all in the secret of the Ministers, he must say, that they had found it rather difficult to persuade their usual supporters to come forward on this question. The noble Lord must know, that it was very well understood that he had had much difficulty in inducing the majority he had procured to vote with him. Such he believed to be the fact, and when that majority came to their constituents, unless some further information was afforded them, they would find it a very difficult matter to justify the vote they had given. He spoke of the question as it now stood before the House. He did not deny that the noble Lord, the Chancellor of the Exchequer, might have good and sufficient reason to justify the Government in the course they had taken, but he did say, that at the present moment, the decision of common sense and of the country, taking the question upon the first blush, and with the information now before the House, would be completely against it. It was with a view, therefore, of enabling the Government to set itself right, and laying before the House that information which it was declared had regulated its own conduct, that he now arrested the attention of the House. Instead of the slender majorities they had witnessed, he wished to see, if possible, the engagements entered into by the Crown supported by large majorities, and those majorities he wished to see obtained by the reason of the thing, and not by a threat of the dissolution of the Ministry. He wished to see the question put on such a footing that there would be no necessity for entertaining the distinct and dry question in the Committee, as to whether the House should refuse to confirm the engagements of the Crown or not. It had indeed been asked if, after all, the real question was not come to this, whether or not Russia was to have the money? He admitted that it was, and he wished the House to have it in its power to judge fairly and fully upon that point. He did not wish to see the House, on the one hand, constrained in its vote by an apprehension of dissolving the Ministry, or, on the other, giving a condemnatory decision, owing to its not being in the possession of all the circumstances of the case. Certainly, if he were called upon to give a decision upon the affair, as it at present appeared on the face of the papers and documents before the House, he should say, that Russia had no right to the money; this country was not bound at all to make the payment to Russia. But when the noble Lord, the Chancellor of the Exchequer, in whose integrity he, in common with every other Member of the House, had a great reliance, told them, that when he had first seen the treaty and the other papers now before the House, he had been of a similar opinion, but that, since he had looked closely into the subject, and all the documents bearing upon it, he had come to a different conclusion, and was convinced that the spirit of the treaty was in favour of the payment; and when the Attorney General, too, told them that the letter of the treaty was against the payment, but that the spirit of the treaty, as the hon. and learned Gentleman said, he had ascertained it from documents specially laid before him, was in favour of it —when such declarations were made in the House by high and responsible officers, of known integrity as men, he felt it necessary to ask for further information before he made up his mind. He could not consent to vote away 5,500,000*l.* sterling, for such the sum was, against the letter of treaties, merely because a Minister of the Crown told him it was in accordance with the spirit of those treaties. The Ministers might be satisfied, and justly, upon the point; but ought the Members of that House to be satisfied merely because the Ministers were? How would the country look upon such conduct? That House was the guardian of the public purse, and it would be monstrous to say that it was justified in voting away the public money upon the vague assurance of a Minister, and actually against the letter of the law. Both the noble Lord and the Attorney General said, they had made up their minds to support the payment to Russia with the greatest reluctance; they felt great regret at being compelled to pay the money; but they were bound to do so upon an examination of various documents. Then why, he asked, should not the House of Commons feel the same reluctance, and require the same means to enable it to overcome that reluctance? The payment had been defended on the ground that the spirit of the treaty required it. The Attorney General had said, that if the House saw the documents which he had waded through, it would be impossible for an honest man to vote against the grant. But, taking that to be the case, were they not bound, before they voted for the grant, to see those documents which had produced so much effect? And what were these papers and negotiations, upon which the Government justified the payment? They were of two descriptions, or classes. They consisted of documents relating to treaties and arrangements formed seventeen years ago, or to transactions of a recent date. With respect to the former, there surely could be no hesitation to produce them; such a course could not be attended with inconvenience to the public service. To the other point he should come presently. The Attorney General had contended, that in good faith Holland was also bound to continue her payment to Russia. Holland, however, took a different view of the matter. That country was celebrated for its observance of good faith, both in public and in private matters, and yet, possibly with full information before it, Holland denied that it was bound, either by the words or by the spirit of the treaty, to continue the payment to Russia, and refused to do so. And then, what was the advice given by the Attorney General? That hon. and learned Gentleman said, in the first debate upon the subject, that if the old treaty were not good, but a new treaty was requisite to explain and bolster up the old one, he should do "no such thing." He did not wish to press upon the House his advice, but merely put it to the House, whether it would be content, under all the doubts and difficulties of the case, to come to a decision without any acquaintance with that information which, upon the declaration of Ministers, was of the highest importance. He had a right to call upon the noble Lord to produce those documents, or to show that their production would be injurious to the public service. He pretended not to know what were the intentions of the hon. member for Middlesex, but he must deny that, in the course he was taking, he had any desire to embarrass the Government. If he wished to see Government thrown into difficulty upon this question, he would leave it in the hands of the hon. member for Middlesex. He understood that the hon. Member would oppose the payment of the money, and, therefore, if his object was a factious or party vote, he should join with the hon. Member, and by combining parties generally at variance, make a greater force against the Government. He, however, had no such intentions; his only desire was, to enable the House efficiently to do its duty by the country and the Government. The hon. member for Middlesex said, he should vote against the payment of the money, although he had voted against the Resolutions, declaring the Ministers had acted illegally in making the payment. Now the treaty was either binding, or it was not. If binding, why was this new treaty made? If it was not binding, what were the extraordinary circumstances which induced the Government to consider the spirit of it so different from the wording? That was a question which ought to be answered, and that was the reason which induced him to call for further documents, and not to leave the matter in the hands of the hon. member for Middlesex. But the question it might be said, would come at last to this:—Will you pay Russia, or will you not? That was very true; and it was a question of very great importance. It was a very serious thing for the House of Commons to refuse to confirm the grants of the Crown; but if he was driven to a vote—if the Government said, "We will give you no further information," however reluctant he should be to take that course, he must vote against the payment. If the Government refused further information, it would be acting unjustly towards the House and towards the Crown. It would be remarked, that the Government had not an opposing and stubborn Parliament to deal with. The

Parliament was willing and desirous to find the Government in the right, and therefore, if it could show that there was any doubt as to the meaning of the treaty, it would receive the benefit of that doubt. But if the Government came before that House, admitting as it did, that the payment was adverse to the letter of the treaty, and yet offered nothing to justify making that payment excepting vague assurances that it was in accordance with the spirit of the treaty, he did not see how it could expect to meet support, or, if it did meet support in that House, how the country could be satisfied. The position of the question was this:—The House had refused to vote that the last payment was contrary to law. They were now called upon to go into Committee. The Government admitted, that it had no case upon the face of the treaty, but it contended, that upon consulting a variety of documents relating to the period when the treaty was made, it found them to be of such a nature as to convince it that the spirit of the treaty required a continuance of the payment. Of documents bearing upon the subject there might be two classes. It had been said, that the treaty was agreed upon to oppose France. There was nothing to justify such an assertion—not a shadow of a shade on the face of the treaty. Then it was said, that the separation meant invasion. Again he said, that did not appear upon the face of the treaty, and, to make good such a construction, the Government ought to produce the documents upon which they founded it. And all the papers relating to the first class of transactions might surely be produced without public inconvenience, for the events occurred seventeen years ago. But then there was a second class. Those transactions related to recent occurrences. It was said, that the Government of this country had pressed Russia to consent to the separation of Belgium from Holland, and that, therefore, it would be unjust now to turn round upon Russia, and say, the separation being agreed upon, "Oh, this is our work, but still we will take advantage of it, and pay you no more. We stand upon the letter of the treaty." Certainly, if the Government said that any weight was to be attached to the latter class of documents, he must confess that he could not press for them, if it were added that their production would be inconvenient. The Motion which he intended to submit to the House, called for the production of all papers which could tend to throw any light on the objects and spirit of the Treaty of 1815; and he purposely limited his Motion to that period for this reason—because the public service could receive no detriment by the disclosure of documents relating to transactions of so old a date. But if it was true that this country, in conjunction with France, was assuming an imposing attitude, as it was called, towards the poor Dutch, and at the same time paying Russia not to interfere, he thought such conduct as discreditable to this country as any course of foreign policy since the days of the Stuarts. If the Government of this country was sending out ships to blockade the Scheldt, and at the same moment paying money to Russia to induce her to abstain from interfering in this honourable crusade, such a proceeding was as little consistent with his notions of honour as anything he could imagine. He recollected that the noble Lord, the Paymaster of the Forces, in arguing this question, accused the Opposition of unfair conduct, because they were ready to join in a vote of censure on the Government, without reading those papers by which Ministers justified their conduct. "Why not," said the noble Lord, "call for that information, and then, if you please, pass a judgment on it?" This was exactly what he (Mr. Baring) now proposed to do. It was no vote of censure on Government that he called upon the House to pass; it was nothing more than a simple Motion for the production of those very documents on which Ministers had rested their justification for continuing the payment of the Russo-Dutch loan. The hon. Gentleman then concluded by moving, as an Amendment to the Order of the Day—"That an humble Address be presented to his Majesty, praying his Majesty to be graciously pleased to direct that there be laid before that House, Copies or Extracts of any Documents relating to the Convention of the 19th of May, 1815, between Great Britain, Russia, and the Netherlands, explanatory of the spirit and objects of that Convention." He said, that he used the phrase, "explanatory of the spirit of the Convention," because those were the words which every Gentleman who had spoken in support of the proceeding of Government had made use of. They admitted that the letter of the treaty was against them, but they said, that it was clear from the documents explanatory of the treaty, that the spirit was for them. Those were the very documents which it was the object of his Motion to obtain.

Mr. *Robinson* seconded the Amendment. He was anxious to say a few words in justification of the vote which he had given on a former evening, in the division on this question. He extremely regretted that he should be obliged to say anything offensive to the noble Lord opposite; but he must tell the noble Lord, that the course which he had pursued on a late occasion was insulting to the House of Commons. That noble Lord did not tell the House to consult the treaty, and judge for themselves; but he simply told them, that if Ministers were beaten they would resign. What effect that statement might have had on Thursday night he could not take upon himself to say, because he would not impugn the motives of hon. Members; but it certainly appeared remarkable that the 243 were in the habit of voting with Ministers, and the minority of 197 were equally in the habit of opposing them. What conclusion, therefore, could he draw from that, but that the division was caused by party feelings? The speech of the Attorney General, too, he was sorry to say, had led some astray from the point at issue. He had said, England was the only party interested in the question. Now, England was not the only party interested—all the great contracting Powers were equally interested in preserving a permanent peace, and it was, therefore, too bad that England, which had been made to bear the brunt of the battle, should also be obliged to bear the chief part of the expense. He could not see what grounds there were for England paying such a sum in 1815, and still less, what reason existed now for continuing the payments. A great deal had been said about the necessity of observing good faith towards foreign Powers; but, let him ask, was no good faith due to the people of this country? Were the impoverished people of England to be called upon, first to pay for the annexation of Belgium to Holland, and then for its separation? The letter of the treaty did not warrant the payment which Ministers had thought proper to make to Russia; and he was ignorant of any circumstances that did. Upon looking to the debates that took place when this convention was laid before Parliament, he found that the noble Earl, now at the head of the Government, doubted its policy, and condemned the conduct of the then Ministry, for proposing to pay money to a Power whose object was aggrandizement, and whose political views were hostile to this country. Yet, when the Government were released from the obligation of the treaty, he found then, the very same parties that originally objected to it, hastily binding themselves down by a new Convention in 1832, to continue the payments to Russia. He contended, that the terms of the treaty plainly showed that it contemplated a separation between Belgium and Holland, as well by internal commotion as by foreign invasion. In the course of those debates to which he had alluded, Lord Castlereagh expressly said, that our payments to Russia would be suspended, 'if by any circumstance the 'Netherlands should be separated from 'Holland.'* That was stated by the organ of the Government in the Commons; and Lord Liverpool, in answer to a statement of Earl Grey, admitted, 'that it 'was not a claim of strict rigid justice, 'but an appeal to the liberality of the 'country.'† Yet he (Mr. Robinson) now found those very men who objected to the original Convention, renewing it, without any ostensible grounds for such a mode of proceeding. He certainly thought, that after the separation of the two countries, the British Government was not bound to continue the payment to Russia; and Ministers, if they refused to grant the papers now asked for, were calling upon the House to vote away the public money, on no other ground but confidence in the Government. To this he must decidedly object. He did not believe that Ministers had been actuated by any unworthy or corrupt motives—they had made a mistake; but why, when convicted of error, did they turn round on their friends, and tell them, that unless they voted in a particular way, the Administration would resign? Why not at once candidly admit, that they intended to bribe Russia to consent to the separation of Belgium and Holland, and that they had made a mistake? In his opinion, the Ministers had nothing to thank Russia for. He believed that Power was to blame for the very unsettled state of the Belgian question, by having induced Holland to withhold her consent to the arrangements agreed upon by the five Powers. He would, therefore, recommend Ministers, at least, to postpone the payment of any further money until Holland signified her assent to the new arrangement; and until Russia gave up those reservations respecting the Belgian question, which, in his opinion, were tantamount to a refusal to recognize the new order of things. He, for one, should certainly object to advance any more money to Russia, until he was convinced that honour and good faith required this country to continue the payments she had hitherto made on account of the Russian loan.

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* Hansard vol. xxxi. p. 746.

† Ibid. p. 722.

Mr. *Gally Knight* said, that the House had already twice sanctioned the construction given by Ministers to the treaty, and it would be, therefore, grossly inconsistent to come now to a different conclusion. The only question for consideration was, whether, according to the terms and spirit of the treaty, Russia had a right to demand, or Great Britain to pay, the money. He was not disposed to pay much attention to the opinions of legal Gentlemen, on either side of the House, in this matter; for it was a subject to be decided only by considerations of justice and sound policy. Looking at the question in this light, he could not help thinking, that it would be nothing less than swindling Russia out of the money, if we refused to pay her, after doing every thing in our power to bring about the contingency upon which, according to the strict letter of the treaty, the payment was to expire. The hon. member for Thetford contended, that if we were bound to pay, so was Holland; but, according to the spirit of the treaty, he would say that Holland was not so bound. Was England so far to forget its character as to say, we owe a debt, but we will not pay it? Even in an economical point of view it was politic to continue the payment to Russia, for a general war, in which this country must have been involved, would, in all probability, have resulted from our withholding the payments. The hon. member for Thetford was, no doubt, an honourable man, but he, with respect to this question, put policy and morality entirely out of the question, and therefore he did not think the hon. Member's opinion was worth attending to. He was the friend of retrenchment and economy, but he would never sanction a proceeding which would degrade England in the eyes of the world. The English people would disdain to effect a saving of expenditure at the expense of the national honour. What right could we have to call on Russia to keep her part of the Treaty of 1815, relating to Poland, if we ourselves broke faith with her with respect to Belgium and Holland? He should support the view of the case taken by Ministers.

Mr. *Hume* said, he should vote first against Ministers, then with Ministers, and should state his reasons for so doing. The House had certainly sanctioned this payment by its vote on a former night, and was so far placed in a strange situation. He strongly objected to the payment of this money after the conduct pursued by Russia towards Poland. The blame for allowing Russia to act thus was, however, to be attributed, not to the present Ministers, but to their predecessors; and the only censure fairly to be attributed to the present Government was, that as soon as Russia had broken the treaty as regarded Poland, they should have abandoned the treaty also as regarded Holland and Belgium, which they had not done. The hon. member for Worcester had truly stated, that the payment of the money to Russia was an act of liberality. He thought that this act of liberality was extended to Russia in order to induce her to act in conformity with the spirit of the arrangements which were made in 1815. If the payment was wrong, the hon. Gentlemen around him, who succeeded the government of the Earl of Liverpool and Lord Castlereagh, were quite as much to blame as the present Ministers for continuing it. Although the hon. Gentleman near him had submitted several motions on the subject, not one of them had gone to the extent of saying that the payment should be refused. They always left themselves a loop-hole to creep out at; and he had no doubt that, if they should come into power again, they would continue to pay the money. Would the hon. member for Thetford (Mr. Baring), if in power, refuse this money to Russia? He believed not, and, at all events, his Motion did not go to that length. The object of it, as of the motion the other night, was only to turn out the Whigs, that the Tories might get in. He had, on the former night, come down to the House determined to vote against Ministers, but, when he found how he was surrounded, he got frightened, and he became a party to that which he disliked, though he admitted there was some little want of delicacy on the part of the noble Lord, in saying that, if defeated, Ministers would resign. He changed his opinion after coming into the House, and he voted against the Tories with the Whigs, though he had no doubt the Whigs were in the wrong. The hon. member for Thetford had said that no man could vote with Ministers on this occasion, without surrendering his judgment. Why, he (Mr. Hume) had surrendered his judgment a dozen times, in order that the great measure of Reform might be carried. It was no longer a question as to whether Ministers deserved censure for what they had done in this matter, but whether, on account of their foreign policy, he should consent to turn out Ministers, before the great measure of Reform was carried. [Mr. *Baring:* It has been carried.] A great deal remained yet to be done, and he wanted to see the new elections take place before any change took place in the Government. He should be sorry to see the Tories now in office, for they would thereby have the means of checking much of the good he expected to see accomplished. Under these circumstances, he was warranted in voting against his own judgment, for he had the strongest confidence that the present Ministers would procure a good reform for the country; and if their foreign policy was wrong, he would support them in it, notwithstanding, rather than risk having in office the right hon. Gentlemen around him. He should go fearlessly to the hustings, and make this same candid avowal there. Why should he risk the resignation of Ministers by adding his vote to that of the hon. member for Thetford? [Mr. *Baring:* "There was no risk."] He (Mr. Hume) feared there was; and, at all events, he did not like to put Ministers to the trial. He had now made a candid avowal to the House, and he should like to hear from the hon. member for Thetford, an avowal, equally candid and honest, as to whether he would vote, if the Tories should come into power, against giving this money to Russia; or whether he would not, after all that had been said on the subject, endeavour to find some loop-hole to enable him to give this money to that Power. He would, as regarded this matter, support the Ministers, right or wrong. That was the truth. He would do so, believing that, even as regarded economy, he should thereby be best serving the interests of the country, by keeping the Tories out of office.

Mr. *John Campbell* hoped the hon. member for Middlesex had vindicated his consistency to the satisfaction of the House. At the same time, he must say, that there was considerable laxity in the principles the hon. Member had avowed, and that, if generally acted upon, they might lead to great political profligacy. Had Ministers paid a sum of money to a foreign Power, without the authority of Parliament, they would have been guilty of a high crime and misdemeanor; and, if he thought they had done so, he should have concurred in a vote of censure upon them, whatever might be the consequence. But, upon the best consideration he had been able to bestow upon this subject, he had come to the conclusion, that Ministers, in continuing the payment of the Dutch loan for the benefit of Russia, were fully justified by an Act of the Legislature. On this ground he conscientiously voted against the proposed censure, and on this ground he should conscientiously vote against the Amendment of the hon. member for Thetford. He required no further papers, and no further information, to enable him to decide that, under the Convention of 1815, the obligation of this country continued, and that the Convention of 1831 ought to be ratified by Parliament. He was contented with the papers already laid upon the Table, and the facts that were notorious, indisputable, and undisputed. The Act of Parliament required the payments to be made as long as they were due under the treaty; and, therefore, the construction of the Act of Parliament and the construction of the treaty must be the same. Now, looking to the condition of the parties when the treaty was entered into, the language employed, and the events which had subsequently happened, it was his opinion, that this country remained liable. The House would recollect, that by the 2nd Article of the Convention of 1815, we undertook to pay the interest on the 25,000,000 of florins, and a sinking fund for the extinction of the debt "till the capital of the said debt shall be fully discharged;" and it was even provided, that the payments should not be interrupted in the event of a war breaking out between the contracting parties. The promise was, not to pay while Belgium and Holland were united, but there was, in the present instance, an absolute promise to pay till the debt should be extinguished. Then what was the consideration—for if that had failed there might be some ground for contending that we were discharged. According to the rental in the Convention of 1815, it was the heavy expense incurred in delivering from the power of the enemy the territories which France had conquered, and the extraordinary exertions of the emperor of Russia; and, according to the third additional article of the Convention of 1814, it was the cession in full sovereignty to his Britannic Majesty of the Cape of Good Hope, and the settlements of Demerara, Essequibo, and Berbice. England had enjoyed the benefit of these extraordinary exertions of Russia, and the Dutch colonies still remained in our possession. *Prima facie* then, we were liable, for the debt was not extinguished, and the onus was cast upon us of showing how we were discharged. We resorted to the fifth article of the Convention of 1815. Now, it would be observed, that this was introduced by way of condition for our benefit, after an undertaking which was absolute, proceeding upon a consideration, or *quid pro quo*, of which we had had, and still had, the full benefit. There could be no doubt, therefore, that not only according to the technical rules of law, but the principles of natural equity, this condition was to be strictly construed. The question arose whether there had been such a severance of Belgium from Holland as was in the contemplation of the parties when they framed the condition. In construing treaties between states, as in construing contracts between individuals, the true rule was, to ascertain the meaning of the parties from the language they had employed, and the circumstances in which they were placed. Several Gentlemen on the other side of the House, and, amongst others, the right hon. member for Tamworth, had opposed the letter to the spirit of a treaty, and contended, that Ministers were not justified in making the payment if it was not due according to the letter of the treaty, although it might be due according to its spirit. He denied the foundation of this reasoning. The payment could only be due according to the spirit of the treaty, because such was the meaning of the parties; and, if such was the meaning of the parties, such was the just construction of the treaty. What frauds and crimes had not this doctrine of construing treaties by the literal meaning produced? One garrison it was known surrendered under a capitulation, stipulating that no blood should be shed; they were all buried alive. The inhabitants of Argos agreed to a truce for three days; they were massacred when asleep in their beds in the third night. Antiochus entered into a treaty, by which half his ships were to be restored to him: all his ships were cut in two, and he was offered the half of each. In these cases the spirit of the treaty was violated; and, although the letter was observed, the violators were guilty of the most atrocious perfidy, because they disregarded the sense in which they knew the language employed had been understood by their adversaries. In what sense, then, must we have believed that this condition was understood by the emperor of Russia? By way of guide, he would refer to a rule laid down upon this subject by a writer hitherto treated with great respect; and, although the hon. and learned member for Calne had thought fit to denounce the great jurists as pettifoggers, yet they would continue to be regarded as the great expounders of the laws of natural equity and eternal justice. Vattel, in his chapter on interpretation of treaties, said—'As we 'extend a clause to those cases, which, 'though not comprised within the meaning of the terms, are nevertheless comprised in the intention of that clause, 'and included in the reasons that produced it, in like manner, we restrict a 'law or a promise contrary to the literal 'signification of the terms, our judgment 'being directed by the reason of that law, 'or that promise; that is to say, if a case 'occurs to which the well-known reason 'of a law or promise is utterly inapplicable, 'that case ought to be excepted, although, 'if we were barely to consider the meaning of the terms, it should seem to fall 'within the purview of the law or promise.' It was impossible to think of every thing, to foresee every thing, and to express every thing. It was sufficient to announce certain things in such a manner as to make known our thoughts concerning things of which we did not speak. The above quotation was very apposite; for what was true of a promise or a law would be at least equally true of a condition.

Then did the reason of this condition apply to the severance of Belgium from Holland, which had actually taken place; for, if not, the case ought to be excepted. Gentlemen on the other side allowed, that if England had actively interfered to bring about the separation, she could not have taken advantage of the condition, in the same manner as if he for instance, for a valuable consideration, should undertake to pay 100*l.* a-year for twenty years, on condition that if a certain tree should be cut down the payment should cease; were he himself to cut down the tree, he must pay till the twenty years expired. But did not Gentlemen see that this was by appealing to the spirit of the treaty? According to the letter, the Belgic provinces would have passed and been severed from the dominions of his majesty the king of the Netherlands, previous to the complete liquidation of the debt; for the fifth article contained no express exception of a severance brought about by the active interference of England. *Ex concessis*, therefore, these were implied exceptions; and, without implied exceptions, qualifications, and conditions, the true meaning of laws, contracts, and treaties, would be perverted. The condition, however, in the fifth article of the Convention of 1815, was only intended, and could only be construed to apply to a severance of Belgium from Holland, which England might be desirous that Russia should interfere to prevent. The object was to bargain for Russian force and Russian influence, to prevent the severance, either by insurrection or conquest; although not a doubt could be entertained, that the annexation of Belgium to France was the evil which, in reality, was guarded against with such anxiety. But the intention was not to lay a wager upon the durability of the union of the two countries—much less was it that Russia was to lose the payments we had engaged to make for her benefit, she being willing to exert her force and her influence to prevent the separation. When did the sovereignty of the Belgic provinces pass away from his Dutch majesty? Not by the insurrection at Brussels, which we heartily deplored, but by the election of King Leopold, and the recognition of Belgium as an independent state, in pursuance of the policy which our Government then thought fit to adopt. That policy might be wrong; it might have been proper to make an attempt to recognize Belgium, or, in pursuance to the proposal of the hon. member for Thetford, it ought to have been partitioned, according to the precedent of Poland. But our Government, in his opinion, rightly judged that the union of two nations so deeply hating each other, had become impossible, and that it was for the benefit of England to erect Belgium into an independent state, as a barrier against France. Did we want papers to know that Russia would not have been unwilling to have exerted both her influence and her force to prevent this arrangement? Suppose the Emperor were to say, "As you bargained for my interference to prevent the severance of Belgium from Holland, and I was to lose my money if I did not interfere, I am ready to stir up the king of Holland, not only to keep the citadel of Antwerp, but to march to Brussels, and I will march 50,000 men to assist him;" could England deprecate the interference, and refuse the payment? Being ready to perform the condition, was he to be punished as if he had broken it? The right hon. Baronet, the member for Tamworth, had said, that if such a severance as had taken place was *casus omissus*, Ministers were bound to come to Parliament. He (Mr. John Campbell) strenuously denied this position; for, if such a severance was not in the contemplation of the parties as a contingency upon which, under the fifth article, our obligation was to cease, under the second article the obligation remained in full force. But then it was said, that, even if our liability continued under the Convention of 1815, the force of that Convention was abrogated by the Convention of 1831, which was entered into for the express purpose of ratifying and confirming it. This doctrine must have originated with some learned Gentleman who had drawn an ingenious analogy from the effect, by the common law of England, of suffering a recovery after the publication of a will. In recompence of the great public services of the late Lord Erskine, a gentleman devised to him a large landed estate; and the attorney coming to announce the death of the testator, said to the disappointed devisee, "And to make all sure after the publication of the will, I caused him to suffer a recovery." The devisee was reached by the very act done to confirm the will. But it was new to him that a contract or treaty should lose its obligation by the parties entering into a fresh contract or treaty for the express purpose of declaring their object in entering into the first, and agreeing how that object should be attained. The new Convention might be useful in expressing what was before only understood, and in obviating the quibbles and subtleties which might be resorted to for the purpose of defeating the real intention of the parties. The first Convention must be binding till it was cancelled by mutual consent; and, instead of being cancelled, it had been confirmed. Then it was said, do not pay the money because Russia has behaved so ill to the Poles. He wished to God it had been made a condition of the payment, that the nationality of Poland was to be preserved, and the free constitution given to her respected. Then might we have refused the payment with a good conscience, and with the applause of mankind. But he looked in vain into this treaty for any mention of Poland, and we could not get rid of its obligation by imputing weakness or criminality to the negotiator who framed it. England could no more get rid of her liability by reason of the oppression of the Poles by Russia, than in private life a man could refuse to pay a legal debt, because since it was contracted the creditor had beaten his servant, or been detected in cheating at cards, or been guilty of any other breach of morality. Let us not pretend to show our sympathy for the gallant and unfortunate Poles by breaking a pecuniary engagement, which every dictate of good faith required that we should observe.

Mr. *Pigott* was of opinion, that the Government had acted in an unjustifiable manner in making this payment without the warrant of Parliament. The real gist of all the agreements that had taken place was a remuneration to Holland, for Great Britain continuing to keep possession of the Dutch colonies; it was on this account that England had agreed to pay a certain sum of money; and it was only, as it were, an after-thought, that induced the contracting Powers to make over to Russia the benefit of that sum of money. Taking it in this point of view, he contended that England was now no more bound than Holland to continue the payment of this money. He was not prepared to say, that some secret treaty had not been signed at Chaumont, which might justify the Government in what it had done; but if so, that was the very reason why the House ought to support the Motion of the hon. member for Thetford, for which he should certainly vote.

Mr. *Long Wellesley* being a very young man when Lord Castlereagh's policy was originally debated in that House, had given it his support, though he now regretted the circumstance. He had, however, thought it right to mention the fact, as he should be sorry to be told that, without any explanation, he had voted differently then from the manner in which he intended to vote now. One of the reasons for his present dissent from Lord Castlereagh's policy was, that, in his opinion, Russia was quite sufficiently rewarded by the annexation of part of Prussian and Austrian Poland to that portion which Russia formerly held. That, however, was a question which ought to have been debated years ago; and now the real point was—would not this country be breaking faith, if it did not act up to the treaty entered into in 1815? In his opinion, the obligation of England to pay the money now was quite as strong, upon the grounds of good faith and sound policy, as at the time when the treaty was originally entered into. This, certainly, was a question of the very highest importance, and ought not to be treated with party feeling. He sincerely believed that his Imperial majesty of Russia would be as far from being guilty of any of those atrocious acts that were attributed to him as any Gentleman in that House. The fact was, that the emperor of Russia was surrounded by advisers, over whom he could not exercise the same veto as the King of England could over his Cabinet. Belgium had vindicated her independence; but Poland was overcome in the attempt: and it could not be denied that by the law of nations, it was competent to the emperor of Russia to treat Poland as a conquered country. He did not admire the policy of Russia, but he could have no hope of obtaining influence over her but by doing her justice. It would be a want of good faith, as well as an act of injustice, towards Russia, to withhold the payment, and he, therefore, should support Ministers by his vote.

Lord *Eliot* said, that the Convention provided that under certain circumstances only this country was bound to pay the money to Russia. The officers of the Crown had told the House that they were in possession of certain information which was not generally known. Now, he would contend that the country was entitled to every possible information which could be given in the matter. The hon. and learned member for Stafford in the course of his speech had omitted to read the fifth article of the treaty which provided for a contingency. Much had been said about the spirit of the treaty. By that he was content to be bound—by that he would maintain that this country was released from all obligations to pay money to Russia. He could see no possible objection to the production of the papers moved for by the hon. member for Thetford. He could not see that his Majesty's Government would be embarrassed by the adoption of that Motion, and he should, therefore, give his cordial support to the Resolutions proposed by his hon. friend.

Mr. *Gisborne* said, when the right hon. Baronet, the member for Tamworth, stated, the other night, that this money might be due to Russia, and yet that his Majesty's Government might have been wrong, under the Act of Parliament, in paying it, he was anxious to express his dissent from that opinion ; but the lateness of the hour, and the fatigue which the House had already undergone, prevented him. Whether we owed this money legally or honourably must depend upon the construction of the Convention, which the right hon. Baronet admitted was not to be interpreted literally, like an Act of Parliament ; but with a view to the situations and intentions of the parties when they entered into such Convention, and he allowed that, if there were a doubt, it should be given as against the party upon whom was imposed the pecuniary obligation. When the right hon. Baronet made this admission, he disabled himself from contending for that separation of the two cases which he laboured to establish in his speech. He wished to see the Convention largely and liberally interpreted, and as the Act was identical with the Convention, and affirmed it, the money ought, in his opinion, to be paid. It was well known, that in the year 1814 there had been great and disproportionate exertions made by Russia, and that her right to compensation for them was universally acknowledged. The object at that time was to procure such a guarantee for Russia as would make the payment of her compensation depend upon the continuance of the union between Belgium and Holland, to which otherwise Russia was likely to be decidedly hostile. The subject had been fully discussed, and he really thought the House in possession of all the information that it could reasonably require upon such a subject. Although he was no admirer of the politics of Russia, he was of opinion that the conduct of that power throughout the whole of the business before them, had been altogether equitable. With respect to Holland, she had lost the benefit of our trusteeship on the treaty, by her misgovernment of Belgium. We had received from Holland a *quid pro quo*, in the shape of ceded colonies, for undertaking to pay Russia, and he did not see how we could depart from our obligation without refusing to pay a just debt. He should, therefore, support the Motion of the noble Lord without asking for further information.

Mr. *Praed* said, the hon. Member had argued, that, because we still retained the colonies, on account of which we consented to make this payment to Holland, we were bound to continue our payments to Russia. He did not mean however to touch upon many of the topics that had been urged in the course of this debate ; for they had no reference to the question before the House ; but there was one which rather made in favour of, instead of against, his argument. The hon. Gentleman said that Russia was anxious to support her engagements ; but there was no evidence of that fact, and it was evidence for which his hon. friend called. Under what circumstances had Russia proffered her assistance to unite these two countries, which now, in spite of Great Britain and of Russia, were disunited ? If Russia proffered her assistance to keep them together, when, by means legal and moral, they could have been kept together, it required an explanation from his Majesty's Ministers as to how it was that they came to consent to the alteration of an arrangement which had been thought beneficial by the majority of that House. If the assistance of Russia were proffered after the two countries were separated, and when they could not be united by means just, moral, or legal, then the contingency had previously occurred, and her too late offer could not prevent us taking advantage of it. The hon. member for Middlesex had told the House distinctly, that, believing the Whigs to be wrong, he voted the Whigs to be right; that, believing the Tories to be right, he voted the Tories to be wrong; that, believing money had been paid without the authority of an Act of Parliament, he voted that it had been paid by the authority, and according to the tenor of an Act of Parliament; and he said now, that this question, which involved millions of money, which certainly was a matter of importance, was to be decided upon by him, not because there was full information before the House, but because Ministers threatened (assigning a poor reason for their threat), that they would resign, if beaten on this occasion. It was not for him to impute motives to the hon. Member,—he had been long before the public, and the public truly appreciated him,—the hon. Member would gain as little by his (Mr. Praed's) praise as he would lose by his censure; but if hereafter some one less known than the hon. member for Middlesex, and representing a constituency less in number or importance than that for which he sat, should stand up in his place to say, that believing a thing to be black, he had voted it to be white, that believing a thing to be truth, he had voted it a lie, although he had not courage to avow on the spot that it was other than the truth; such a Member would, at least, avow his profligacy in language very different from that which had been used by the conscientious and honourable member for Middlesex. But was the Convention last made, which they were called upon to ratify, a confirmation of the treaties of 1814 and 1815, or was it a new Convention? If it could be shown that the spirit and tenor of this new Convention fulfilled the spirit and tenor of former treaties, the country was bound to pay every shilling of this debt; but if the Convention they were now called upon to ratify was totally different from, and almost opposed to, the conventions and treaties of which it professed to be a consequence, he must first consider whether he should ratify, so far as his voice was concerned, this new Convention, which created a new debt for a new consideration. This agreement differed from the agreements of 1814 and 1815, in the parties with whom it was contracted,—in the consideration for which we entered into it,—and in the object and purposes for which it was made. If he could show these three things, he should be justified in saying, that there was no proof before them that England ought to be burdened with this expense. First, then, as to the parties. The party with whom our obligation was originally contracted, was Holland. In the first Convention made between this country and Holland, there was no question of obligations due to Russia by this country. The hon. Member opposite talked of a debt being due from Holland to Russia; but all that was spoken of in the preamble was a debt of gratitude which Holland owed to the Allied Powers, and which they waived in favour of Russia. In the original Convention between England and Holland, the former engaged to do certain things in favour of the latter; one of which was, that England should take upon herself a share of certain burdens, which, however, were not even mentioned subsequently; another Convention explained this to be a share of a debt due from Holland to Russia. Now, the new obligations they were to enter into, were to Russia. The hon. Member opposite said, that Russia had claims for exertions during the continental war. He was as little inclined to undervalue these exertions now, as he should have been fifteen years ago; but it could not be shown that we were bound by any treaties to compensate her for these exertions. It was to be assumed, on the assertion of Ministers, that Russia,—having exerted herself in the cause of freedom,—England became bound to her in a pecuniary obligation; but he should be ashamed of himself, if there were, indeed, a debt due for great exertions, labour, toil, and sacrifices during the struggle with France,—for blood poured out like water, and treasure spent like dust,—to say that that debt was due to Russia, and above all, that it was due from England. In the next place, the consideration was different in the two cases. The consideration, under the treaties of 1814 and 1815, was—the cession to us of certain Dutch colonies. We had the express assertion of Lord Castlereagh for this: his words were—"The Dutch colonies were ceded to us by Holland, in consideration of our bearing the half of certain charges which would otherwise have fallen upon Holland alone." Now what was the consideration we were to receive under this new contract? He was little acquainted with the language of treaties, but he could conceive nothing so preposterous as this,—if this should mean, that, during all the changes of political events, Russia should contract no new agreement with respect to Belgium without the assent of

England—in other words, England was to be shown about Europe with this gigantic hand-maiden attached to her, cutting much the same figure as the French Paladin in the romance, who had a giant attached to him as a colossal,—and probably as ignorant as our new ally. He now came to the third point,—that the object we had in view in the two Conventions was different. Originally, our object was to unite Belgium and Holland, in order to raise a barrier against France. It might be said that, although we now separated Belgium and Holland, we still raised a barrier against France; but if hon. Members thought it would be as safe and secure as the old one, he differed with them. Whatever he might have thought of the former consideration, the present was certainly not sufficient to induce him to ratify a treaty disposing of so large a portion of the public money. The hon. member for Essex had told the House that if our ceasing to have any object in the union of Belgium and Holland would justify the non-payment of the money, we ought to have ceased the payments in 1820. Our interest might have been then, as now, to cease the payment; but then the contingency justifying its cessation had not occurred, and now it had occurred. He should vote for the motion of his hon. friend; but before giving a decisive and definitive vote, he would wish to know what further might be urged by his Majesty's Ministers. At the same time, he would candidly tell the House, that he did not think any new statement could be made by his Majesty's Ministers, which would change the view he took of this question; for all his reasoning rested upon this,—that the consideration and the objects of the treaty being different, the obligation no longer existed. But, nevertheless, he was justified in calling upon the Members whose views of this case might not be so strong as his, to support the Motion of his right hon. friend; for even those who spoke on the side of his Majesty's Ministers, referred to circumstances in justification of their vote, which were only contained in the papers now called for. His hon. friend behind him, when he alluded to the possibility of his opinion being changed,—if it could be made out, that the contingency which had occurred, was a *casus omissus* not contemplated by the parties,—would allow him to remind him of one circumstance which as he had been taught to give his enemies their due, he would mention. Some Gentlemen opposite, actually predicted the separation of these two countries by mutual dislike. That Holland might not have contemplated such conduct as we now pursued, was very possible; for she did not contemplate the conduct we should pursue on an occasion not very dissimilar from the present. Sir William Temple—a greater authority, perhaps, than any in that House, on the policy of the Dutch—acquitted them of bad policy in his time, although their conduct ended calamitously. 'They could not imagine (he said) 'a conjunction between England and 'France for the ruin of their state; for, 'being unacquainted with our constitution, 'they did not foresee how we should find 'our interest in it, and measured all states 'by that which they esteemed to be their 'interest.' He did not know what the House would decide upon in this case; but if it supported Ministers, the reforming House of Commons would give a vote that would go further to show the necessity of reform in Parliament, than any argument he had yet heard. The retrenching House of Commons would sanction the unreasonable expenditure of a large sum of the public money—the popular House of Commons would give a vote, upon which the country would cry "shame."

Mr. *Vernon Smith* said, the hon. Gentleman who had just sat down, had on Friday evening taken so tender a leave of the House, in what he said were his last words, that no one could have doubted that the coach which was to convey him from town was waiting at the door. He had, however, reappeared; and, no doubt, he had been brought back, not to vote on any party question—not to have any thing to do with the turning out or bringing in of Ministers—but for the mere purpose of discussing a dry point of interpretation of treaties. Having returned to that town which it was thought, alas! he had quitted for ever, he had told them that he had heard nothing new in this debate; and as he (Mr. Vernon Smith) had heard nothing new from the hon. Member, the return had been as profitless as his journey. He never ventured to oppose a motion made by the hon. member for Thetford without considerable apprehension, and as there was no person so capable of instructing the House on the circumstances connected with the Treaty of 1815 as that hon. Gentleman, he certainly should not oppose him on this occasion, did he not think that the condescension of that hon. Gentleman levelled the distinction between them. He might then have stood the arbiter of contending parties, as he had been the associate of consulting Sovereigns; but he had chosen to be the promoter of a party-scheme—to be the teller of a thrice-told tale, to take up the cast-away cards of the right hon. member for Harwich, and to renew this twice-essayed and twice-lost game. He did this, too, in a manner anything but complimentary to the House; for he did not address himself to his own friends, but to the majority, whom he told that they voted ignorantly, and that he must have fresh documents to convince them of that fact. The hon. Member said, that he did not act from party tactics; for that, if he had, he should have waited till they came to the Convention. But the hon. Member knew that that was not his game; for many of his friends had declared, that they should vote for the payment of the money. The hon. Member must, therefore, rest his motion partly on a censure of what his Majesty's Ministers had already done, and partly on a love of economy, with regard to what they meant to do. He had found fault with his Majesty's Ministers for saying, that their resignation must be the consequence of defeat; but what was to occasion the retirement of a Ministry, if it were not a vote of censure? The hon. member for Worcester said, that the intimation was insolent; and the hon. member for Middlesex called it indelicate. The first would have found that his constituents were not willing that Ministers should resign; and the second, from his partiality to them, had no wish that they should retire. The hon. member for Middlesex had stated, rather broadly, the doctrines on which he stood; but he had stated only such doctrines as were the doctrines of party—the very doctrines on which the hon. Gentleman, who had just sat down, himself acted, when he told that House that, whatever information might be hereafter produced, it would not alter his present opinion. More complete party doctrines could not, by possibility, have been brought forward on any occasion. The hon. member for Thetford had said, that the treaty could not be both binding and not binding. There was no denying so self-evident a proposition; but what he insinuated by it was, that if the law officers said it was binding, there was no necessity for the after-convention. But it might be that Russia might say, "I know nothing of your law officers—I know not your Attorney and Solicitor General; and I want a Convention from you, plain and clear in its terms, which shall be binding upon you in the face of Europe." The hon. member for Thetford had further said, that we had two circumstances to consider—our situation in 1815 and our situation in 1832; but he (Mr. V. Smith) conceived these two situations to be but one, or at least that one was the consequence of the other. The Convention of 1831 was an explanation of that of 1815. With respect to our situation in 1815, nothing could afford clearer proof of what it was, than the expression which had been referred to as having been made use of by Lord Castlereagh. It was no casual expression which the noble Lord made use of, when he said, that the Convention would hold good as long as Belgium was separate from France. It might have been, indeed, a casual expression, if he had said, that the Convention would be binding till the separation of Belgium from Holland; but the other showed what was the mature impression of his mind. The hon. member for Worcester said, that it was hard to have to pay to keep Holland and Belgium together, and afterwards to have to pay to keep them apart. This argument showed, that the two Conventions were one and the same in spirit, their object being to preserve the coincidence of the intentions of Russia with those of Great Britain. In 1815, France was the power which every one dreaded; and all Europe, just recovered from the yoke of Napoleon, concurred in giving the Netherlands to Holland, in order to prevent those territories from falling into the hands of France. Without saying that peace should be purchased with money, which was a doctrine he would never admit of, he would say, that there was no objection to pay this money to Russia, if it were justly due to her, because, at the same time, the tendency of such a proceeding was, to preserve peace. The hon. member for Worcester was about to vote for fresh information; but, before he did so, it would be just as well for him to read that which was already before the House. He said that, although Russia assented to the new treaty, she might go to war in spite of all our payments. Now, if these payments were obligatory at all, it would be so under this treaty; and the second article of it expressly provided, that Russia should not contract any future engagements with respect to Belgium, without our consent. It was not fair, therefore, to say, that Russia would withhold her consent to the great treaties with respect to Belgium, when she was entering into a Convention, which was so to bind her future actions with respect to that country, as to make them coincident with those of Great Britain. It was true there was little of novelty in this question; and he had thought that it was settled in January last. There was no alteration in the state of this case now, that the circumstances were brought forward in July, except that, the Reform Bill being settled, the right hon. member for Harwich must have thought there was another opportunity of warming up this debate, and of making quotations from Vattel, whom he had, in the mean time, been careful to study. This being the third debate upon the subject, they should now have a sample of the practice of the House of Commons being called upon twice in the same Session to eat its words. As to what had been mixed up with this question about economy, hon. Gentlemen should be reminded that they would have ample opportunity of displaying their love of economy in Committee. There could be but two objects in supporting this Motion; the one to turn out the present Administration, and the other to make a splash upon the hustings. With regard to the first object let hon. Members see what they could effect by a general vote of censure. Let them drag up all the old stories of the last year and a half, and put Ministers upon their trial. With respect to any effect being produced upon the hustings by this Motion, he was not aware of the feelings of the country having been much moved by the question of the Russian loans. Where were the petitions, which, if the country were thus moved, would be loading the Table upon the subject? Where were the resolutions of public meetings? There were none; and he was glad of it; for, in spite of the declamation of the hon. member for Worcester, this was a question of national faith. It was a consolation to him, having voted for the Reform Bill, under the objurgations of the hon. member for Thetford, who declared that the effect of the Reform Bill would be, to bring about an attack upon the public funds, to find, that it was not the people, but the hon. member for Thetford, who came down to the House, advocating a liberal interpretation of treaties, and an equitable adjustment of continental payments. If hon. Members wished to make their votes upon this question arguments upon the hustings, let them do so. He should be ashamed to address such an argument to the hon. Gentlemen around him; for he could not believe it possible that they were so wedded to parliamentary life, as to prefer a hustings triumph to the applause of their own conscience. He could not believe it possible that any of the Gentlemen around him would conceive it to be other than a crime of the deepest dye, to sacrifice his character for the sake of his seat in Parliament—

Et propter vitam vivendi perdere causas.

But let hon. Gentlemen opposite, if they pleased, raise at the hustings their promised cry of mock-economy, and they would be met with the old battle cries—with no promises, but with boasts of performance—with boasts of peace preserved, of retrenchment advanced, and of reform carried.

Mr. *Praed* explained. What he said was, that he would support this motion because no document hitherto produced was sufficient to induce him to alter his opinion.

Mr. *George Bankes* said, any thing more new or more strange than the argument of the hon. Gentleman (Mr. Vernon Smith) he never heard. What was his argument? There was not, said he, the least occasion for any new Convention; that of 1815 was sufficiently clear and express; but it was quite competent to Russia to insist upon this new Convention. What, said the hon. Gentleman, was the opinion of the law officers of England to Russia, if Russia thought a new convention necessary? This was in effect to admit the whole point in dispute, for did it not prove, that there was a grave doubt whether the Convention of 1815 was binding or not, and did it not show that Ministers themselves admitted there was a doubt? The question was a most important one, not so much as it regarded the present time or the Ministers now in office, as that it might form a dangerous precedent for other Ministers, who, relying upon it, might hereafter set up their own opinion or that of their law officers as sufficient for the interpretation of treaties. That it was a case of doubt, Ministers themselves admitted, for they referred it to the law officers for their opinion, and entered into a new Convention with Russia for the express purpose of removing the doubt.

Mr. *Sheil* said, that in determining what England owed to Russia, the House should consider what England owed to herself. She should beware of adopting any construction which sacrificed the spirit to the letter, and, as Lord Coke said, "eat away the essence of the text." The Treaty of 1814 was absolute and unconditional; England bound herself to pay so much money to Holland. She received four colonies of Holland as a consideration. She had the estate; had any event arisen by which she was released from the payment of the purchase-money? The Treaty of 1815 was founded on the Treaty of 1814. Holland transferred her absolute demand on us to Russia, and by the fifth article a contingency was attached, in the event of which the payment was to cease. That contingency had arisen; but how?—that was the question. Through England's own interposition. What were the facts? Brussels followed the example of Paris—Holland invaded Belgium—the armies of France march—the flames of a general war were about to burst out—England interposed—the union of Holland and Belgium might involve her in irretrievable disaster. She took a new kingdom in lieu of the former junctions; she planted on a new throne a Prince, an Englishman by adoption, linked with her own royalty by the nearest ties, and who must be faithful to England if he be true to himself. Under these circumstances, was England relieved from a debt for which she had the consideration? Let common honesty and common sense answer the question. There was no doubt that there existed in England an indisposition to pay Russia; but Russia had not lost her claim to our money, by having earned a title to our detestation. We were not to try the responsibility of one party by the delinquencies of another; to rely on Poland's sufferings, in order to make money of them, were, indeed, a thrifty retribution. There was a time when we might have interfered—when an Admiral in the Baltic might have interceded with more eloquence than a Minister at St. Petersburgh; but the irrevocable decision had past by; and now, were we—now that Poland had perished for ever, and of her glorious people nothing but their glory remained—were we now to avail ourselves of all her incalculable misery, her anguish, her tears, her desolation, to indulge in a lucrative sympathy, and a profitable commiseration—to make an entry of her wrongs in our fiscal ledger—to convert them into an item of sordid calculation, and balance the account with Poland's best and noblest blood? 5,000,000*l.* was a large sum—it was a vast heap of gold; but the character of England was above all price; better to lose every thing except our honour, than win the world without it.

Sir *Charles Forbes* regretted that Ministers did not come down and bring this case under the consideration of the House before they made the payment. He had great doubts on the point of law, but he thought the honour of the country was pledged to the payment. This was a reason, however, for the Ministers giving all the further information to the House they could upon the subject, and under that view he should support the Amendment. He was favourable to the payment of the money, not from any partiality to Russia, whose policy he detested, but because he thought the honour of the country was involved. It was, however, with reluctance he should vote money to an empire possessing immense power, and disposed to abuse that power.

Lord *Morpeth* said, the chief complaint made against the Ministers was for disregarding economy; and it was singular that those complaints were made the loudest, not by the hon. member for Middlesex, but by those who had on all other occasions shown a total contempt for that virtue. Notwithstanding the frequent allusions made to the elections, which showed for what purpose a reference was made to economy, he must say, that, with every regard for economy, he should first look to the question of good faith; and if the national faith were involved, as he thought it was, the question of economy could have nothing to do with the case before the House. The question was whether there were sufficient reasons to induce the House to forego all considerations of mere economy. The House had before, upon two occasions, decided this question, and, as he thought, very properly. The great object proposed by England in the Treaty of 1815 was to raise a barrier against the aggressive views of France on Belgium. To effect that object it was thought important to unite Belgium with Holland, and secure the co-operation of Russia, and this payment was the price paid for it. It was quite clear, that it was considered as of great importance by the statesmen of that day, to induce Russia to abet English policy in that quarter of the continent. A stipulation and convention were thus formed by the British Government, and sanctioned by the British Parliament, by which this country undertook to pay a certain sum to Russia, until the possession and dominion of Belgium passed away from Holland. Now that contingency had, undoubtedly, arrived—that passing away had taken place; and therefore it was contended that the arrangement was now at an end. So far as the mere letter and terms of that treaty were concerned, he would make the admission to the fullest extent. The question, then, was, whether it was proper that that engagement should be renewed? In order to form a correct judgment on this point, it was absolutely necessary, triumphantly and victoriously, as this part of the question had already been put, to take certain points into consideration; and he must, therefore, presume to call for one moment more the attention of the House to the situation of the parties—to the circumstances under which the Belgic revolution took place, and under which the condition upon which the payment was to be made was asserted to have become void. The Belgic nation, acting with an unanimity that induced him to use that term, withdrew their allegiance from the House of Orange, and thereby effected a separation between themselves and the Dutch. This country proffered its good offices to mediate between the parties, and avert, if possible, the separation of the thrones at least, if not of the nations. The effort, however, was unsuccessful. What, then, was to be done? Was Belgium to be recognised by Europe for the purpose of being re-annexed to Holland? His noble friend (Lord Palmerston) had told the House, that Russia was prepared, and, indeed, actually volunteered, to make the attempt. The Poles had not then commenced their noble, and, alas, their unavailing struggle for liberty, and Russia was prepared to march down her legions even to the very banks of the Rhine, for she did not view with any complacency the revolutionary example of breaking the treaty. Since its formation she had contracted certain ties and family connexions with the House of Orange. It must be recollected that despotic and autocrat families formed alliances with greater ease and greater pertinacity than could exist in countries where the will of the sovereign was not the paramount consideration. Now, imagine Russia addressing England—for it had been the fashion in the course of these debates, to personify these countries—in this strain: "You see what has been done: the settlement we jointly made has been violently disturbed, and the dominions of my firm ally have been thus rebelliously dissevered. Now, I am ready to attempt, and will you join with me in attempting, to restore that state of things to which your treaties and liabilities show you attach such vast importance." What would hon. Gentlemen contend the answer of England ought to have been? Should it have been "The Belgic revolution was neither our work, nor our wish; but the separation of both nations and both thrones is now complete, and the endeavour to unite them would most probably have the effect of renewing a general war in Europe. Will you, then, join with us in facilitating that which it is impossible we can prevent? Do so for the cogent reasons we put to you; do so for the sake of prolonging the repose of the world; do so because over and above all these considerations, if you do, we shall get rid of the debt which we have contracted to pay you?" Now, if England had said this, what course Russia would have pursued could not be ascertained, but if we had induced Russia to adopt and promote our views of the case, and had then turned round upon her, and said, "You yourselves have broken the treaty, and now we are released from the payment of our debt," the Members of that House of Parliament, to use a common expression, could not afterwards have shown their face in the streets, or have walked into that House or any where else. These were things which it was uncharitable even to think or predict. Two things he was quite sure of. If the Government had either not paid this money according to the old treaty, or had refrained from making the new one, they would have incurred the most merciless abuse for a gross breach of national faith, to which the failings of the long-remembered budget would have been added by the very parties who now base their ground of opposition upon our having paid, or having taken measures to pay, our debt to Russia. In the second place, if hon.

Gentlemen opposite had unfortunately succeeded in occupying seats on that side of the House, he did them the justice—for it was really doing them justice—to believe that they would have paid every farthing of this money. The hon. member for Thetford, although he professed not to enter into the general question of our concern in the Belgic and Dutch arrangements, cautiously said, that he did not think the foreign affairs of this country could stand in a more dishonourable situation than if this country were to assume an imposing attitude in conjunction with the other great and bullying powers of Europe towards the king of Holland. He (Lord Morpeth) most sincerly hoped that this country and its Ministers would never forget the attachment, and even gratitude, which we owed to Holland, our ancient, our faithful, our Protestant ally; but, at the same time, he did not see why the circumstance of that country not being a first-rate power, and not ranking among the most powerful nations of Europe, was a reason for permitting the king of Holland, if he was so disposed, to endanger the peace of the whole of the rest of Europe; for it must be remembered, that although the agents might not be powerful, the mischief might still be great. His whole contemplation of this case had proceeded upon the supposition that Russia was prepared strictly to follow up her engagements in the Belgic treaty. As to a violation of it on her part, he had no reason to impute to her a suspicion of any such conduct. He was perfectly ready to admit, that her violating that arrangement would take from the Government one strong justification and ground of defence; but supposing that she persevered in a strict adherence to it—in an adherence, to sum it up in one word, to European policy; if England thought fit, for the purpose of inducing Russia, in 1814, to abet English policy, to limit the payment of her debt to the continuance of the union between Belgium and Holland; and if England, now under altered circumstances, thought fit to induce Russia again to abet English policy, by calling upon her to become a party to the separation of Holland and Belgium—then the compliance of Russia, although, perhaps, it might set us free from the strict letter, rivetted more closely upon us the meaning and spirit of the treaty. While the union continued to exist, it was a legal debt; it now became what was emphatically called a debt of honour, and from the payment of such debts nations as well as individuals should be slow to shrink. But the hon. member for Middlesex, and the hon. and gallant member for Rye, who had given notice of a motion to which he (Lord Morpeth) ought not now, perhaps, to allude, as it was not fairly before the House, appeared to think that it was not sufficient, in order to warrant our payment of the money, that Russia should adhere to her arrangement with regard to the Belgian treaty; but, that she ought also to be called upon to discharge the obligations imposed on her by the Congress of Vienna, with respect to unhappy Poland. He had had the misfortune to be much misconceived the other night, with respect to the sentiments he expressed in reference to the conduct of the emperor of Russia towards that high-minded but ill-fated people, and he, therefore, feared that he might possibly incur the risk of a similar misconception when he declared as he felt himself bound to do, his opinion, that the introduction of the subject of Poland into this debate, was singularly misplaced. What would hon. Gentlemen have England do? Would they press upon Russia the strict and honourable fulfilment of her engagements towards Poland, and would they, at the same time, have us announce to her that we make our strict and honourable fulfilment of our engagements dependent upon hers, and would they have us accompany such an announcement by putting a sum of money, belonging to Russia, into our own pockets? Whatever effect this might have upon Russia, it would not add much moral weight to our remonstrances; and it would not only tend to set Russia on the high horse, but would give to her resistance almost the semblance of virtue, when she refused to accept a paltry bribe. No; let his noble friend persevere in making the strict discharge of our honourable engagements the only bribe which we would offer to other nations to fulfil theirs. Let us take the lead, and not wait for reciprocity. It was said, the other night, by a high authority, that Russia had fulfilled her engagements towards Holland. He wanted this country to set an example to the world. He was desirous that her treaties should be construed in their full, large, and living spirit, not in the cold, strict, formal dead letter. Let us do this, and other nations would not dare to meet us with low chicane and petty evasion. When arrived at those hustings to which the hon. Gentlemen had alluded, like his noble friend, the member for Northamptonshire, whose speech had so well satisfied the House, on those hustings, as he begun, so he would end. If he should be called upon to defend his support of the foreign policy of his noble friend, which he did not expect to be called upon to do ; he should be content to rest his explanation on this short, simple, and satisfactory statement, that on one side there was economy, and that on the other side there was honour ; that his noble friend had preserved that honour, that he had paid our debts, and that he had kept us at peace.

Mr. *John Fane* was of opinion that Ministers could make out no justification of the payments made to Russia since the separation of Belgium from Holland. The spirit of the Treaty of 1814 was, that Belgium should be united to Holland as a barrier against the aggrandizement of France. That also was the letter of the treaty, and Ministers had violated both the letter and the spirit; and that they had done this at the expense of five millions of British treasure. If, indeed, Ministers had come to that House, and said, "this is a world of realities, not of technicality ; if we have technically violated the treaty, we have obtained a *quid pro quo*, with which the country ought to be satisfied; we have, to be sure, permitted the separation of Belgium from Holland ; but we have contrived to rescue Poland from the vengeance of the Russian monarch, from the persecution of a Russian faction." If they had come down to the House with this language in their mouths, they might have expected the sympathy of Parliament and of the country. But how was it? Poland had been swept away ; it existed no more—its very name was effaced from the nations of Europe; and this country had paid its treasure to Russia to assist in destroying the barrier against Russian power in the west, and against French aggrandizement in the north. He could perfectly understand the emperor of Russia answering the demands of this country, by saying, "assist me in breaking the Treaty of Vienna as regards Poland, and I will connive at your breaking it with regard to Belgium." But would that satisfy the British Parliament? They had a duty to perform to the country of which they were the Representatives, and the least they could demand from his Majesty's Government, was to give them the means of judging whether they ought or ought not to sanction the sacrifice of the public money required of them.

Lord *Althorp* said, that the question which the House was called upon again to declare its opinion on was, whether the Government had been justified in making the payment to the Russian government which they had made in January last? The only justification which had been deemed necessary by the Government was, that the payment of the money was in strict accordance with the spirit of the Treaty of 1815. This point had been decided twice by that House in favour of Government, and he really could not see how it was possible for any one who had voted in the former majorities upon this question to take part with the hon. Member who had made the Amendment upon which the discussion had arisen. The hon. member for Thetford, in the speech which he had made had referred the House to a declaration which had been made by him (Lord Althorp), whereby it was made to appear, that he had been originally of opinion that the country was absolved from any further payment of the money stipulated in the Treaty of 1815, because that treaty had been violated. He was perfectly ready to admit, that such had been his opinion on the first hasty consideration of the circumstances; but, at the time that he expressed that opinion, he had not given the matter so thorough a consideration as, from its intricacy and importance, it demanded ; and on a reconsideration of the whole circumstances, together with an inspection of the papers to which he had access, his matured and not-to-be-shaken opinion was, that this country could not, consistently with the exact observance of faith, or without committing a breach of honour, refuse to pay the sums for which the treaty stipulated. There was, therefore, in his opinion, no necessity whatever for calling on the Government to produce any documents or papers whatever. The case might be understood as well from the consideration of the treaty, and he should certainly resist the attempt to enforce the production of them. The Amendment was only another version of the motion of the right hon. member for Harwich. The hon. member for Thetford had the same object in view which it was attempted to effect on the former evening; and, if he might be allowed to express his opinion, he did not think that the present Motion would meet any better success than that which had attended the former one. His hon. friend had said, that if the papers were not granted he should feel himself bound to vote against the treaty. He regretted to hear this from his hon. friend; but he could not believe that any large portion, even of those Members who had voted in favour of the censure upon Ministers, would concur with him upon such a vote. If they had ever entertained such a view of the question, they would have disembarrassed themselves very much in debate by avowing it. The hon. Baronet opposite (Sir Charles Forbes) had certainly expressed it to be his intention to vote in favour of the Amendment. Notwithstanding that declaration, he was at a loss to know upon what grounds the payment of the money was to be refused, and he certainly did not believe that the House of Commons would refuse to sanction the payment. However strongly opposed the hon. Gentlemen on the other side might be to the Government, he did not think they objected to the fulfilment of that part of the Treaty of 1815 by which this money was guaranteed. The grounds on which he acted had already been stated so fully on former debates, that he felt there was no occasion to trouble the House with a repetition of them. He had said before, and he would repeat it, that if the country was not bound in honour under the Treaty of 1815, he would not have been party to a new Convention; but finding the country thus bound, he considered that he was not only justified in consenting to the payment, but that he should have been guilty of a dereliction of the honour of the country had he refused.

Mr. *Goulburn* said, that in the whole course of his parliamentary experience he had never before known an instance of a motion for papers upon which the Ministers of the Crown sat for five hours silent without declaring the intention of Ministers upon the subject of the motion. His surprise was not diminished when he heard the first Cabinet Minister in the House found his refusal to grant papers upon the assertion that no one of the 240 free Gentlemen who had voted upon a former night could now vote against Ministers upon the present question. That, it seemed, was considered a sufficient answer to the reasonable request of the House for papers upon which it could alone come to a just decision upon the vote which his Majesty's Ministers required them to come to. The question then before the House was whether they should have sufficient information, consistently with parliamentary usage, to guide them in their vote. The declaration of the hon. member for Middlesex, that he had voted the other night in favour of Ministers, although he thought them wrong, because he was unwilling to concur in a vote of censure upon them, assisted him in understanding the course of the noble Lord (Lord Althorp). The noble Lord went a step further, and called upon them not to require necessary information, because that information would prove also to be a severe censure upon his Majesty's Ministers. That, perhaps, was not the expression used by the noble Lord, but that was the meaning of his appeal to the 240 Gentlemen who supported him the other night. The arguments used on the other side had not been at all addressed to the question really at issue. He was surprised to hear a noble Lord declare that the question before the House—a motion for necessary information—was precisely the same as a question upon the maintenance of the national faith with the public creditor. What was more consonant with the duty of that House towards the public creditor than to watch with narrow and jealous care large expenditures of the public money such as this? It was their duty, as members of Parliament, to look into a case of this kind. His Majesty's Government told them, that the spirit of the Treaty of 1814 was distinct from its letter. The House of Commons, therefore, humbly approached his Majesty's Government, asking them only to show that this was the fact, and they would be content. It was stated, that the object of the treaty was, to keep the emperor of Russia friendly to that policy, as regarded Holland and Belgium, which should best maintain the peace of Europe. No one was hardy enough to assert that this appeared on the face of the treaty. Why not, then, give the House an insight into those papers which did substantiate this point? The noble Lord said on a former occasion, the simple question was, 'whether the honour 'of the Crown was pledged to the payment of a certain loan, made between the 'king of the Netherlands and the emperor 'of Russia. The right hon. Gentleman 'contended that we were not bound to 'make good the terms of that loan, because the payment was contingent upon 'the non-separation of Belgium and Holland. The fact of a severance having 'taken place between the States made null 'the original compact. The answer to 'the right hon. Gentleman's inference 'would be found in the spirit in which the 'treaty was entered into, and in consideration of the object contemplated by the 'provisions which made the integrity of 'the contract contingent upon the union 'of Belgium and Holland under one monarch.'* To find out that object or to ascertain the spirit of the treaty the noble Lord had elsewhere more than once stated, indeed that was the gist of one whole speech of the noble Lord, and of the speech of the Attorney General, that it was necessary to have recourse to other papers, to refer to other parts of the negotiation, and by the examination of the whole, find out the spirit of the treaty. These statements, which he perfectly recollected, were of themselves a sufficient parliamentary ground for the motion of his hon. friend. The same thing had been said by the first law officer of the Crown in that House. Under these circumstances, why, he asked, was not the House of Commons to have this information laid on the Table before it came to a decision upon this important question? After the lapse of seventeen years danger could scarcely be expected from making known the negotiations carried on between the different Powers upon the subject. He asked for the information, not in the spirit of opposition, and he could not think it either wise or politic for Ministers to employ the strength they were known to possess in that House in negativing such a motion. Would such a course tend to elevate them in the public estimation? Was it not essential to the dignity of the House of Commons, and to the satisfaction of the people in the conduct of the House, that they should have before them those documents by which only could it be proved that they had not voted in the dark, or without adequate excuse, a large portion of the public money? On the other side, the inconvenience, or evil consequences, of such a course had never been hinted at. On the contrary, the hon. and learned Gentleman opposite (the Attorney General) had stimulated their curiosity by saying that, if they could but see the papers which he had seen, their minds would be in a most satisfactory state upon the subject. Was it, then, wise or just not to give them the opportunity of thus satisfying themselves? The question for his Majesty's Ministers to determine was, whether by their vote that night they were prepared to sacrifice, he would not say their interest, but their character with the country.

Mr. *Robert Grant* observed, that this was the third time this question had been brought before the House. The professed object of the Motion was, to obtain information upon a subject upon which the House had already decided without thinking further information than was before them necessary, and it could have but one result. There were some questions which sufficiently answered themselves, and there were some Motions made, if not unfairly or in an unparliamentary way, yet with a tolerably certain idea, that the object of making the Motion would be equally well attained, whether it was granted or refused. From the moment when this question was first before the House, the opinion was given, that, even without this ulterior treaty, his Majesty's Ministers were right in paying the instalment under the Treaty of 1815, to the Emperor of Russia. In that instance, his Majesty's Ministers obtained the approbation of a large portion of the House. They then intended to go forward to the question of the other treaty. On that again, hon. Gentlemen opposite, not content with the former debate, and former defeat, delayed the business once more, by asking Ministers to determine that which had been already determined. In that effort, they were again defeated; and now, when Ministers hoped, at least, to come to the real question, the hon. Gentleman got up, and asked, in all simplicity, for further information, being, at the same time, really and perfectly certain, that those Members who, in the absence of that information, saw enough to justify the conduct of Ministers, could have but one feeling with respect to this Motion. It was a little hard for Members at this period to call for further information, who, without it, had twice attempted to censure his Majesty's Government. His intention in shortly troubling the House was, to take that ground which more properly belonged to him, of stating, in the absence of information, which he did not pretend to possess the simple and plain grounds which induced him to entertain no doubt that, in point of law and reason, common sense and justice, his Majesty's Ministers were justified in paying the instalments under the treaty. In this view of the case, he hoped to have the vote of his hon. and respected friend. He humbly presumed, that the question was precisely this; whether, under the Convention of 1815, and referring also to the former Convention of 1814, between Holland and England, Russia had a fair right, according to the law of nations, to call upon us to keep the treaty. The arrangement, on the other hand, was this; whatever might have been the wish of Russia or England, or any other of the Allied Powers, Holland was to gain just that accession of territory which would be produced by the union of Belgium with it. Such being the interest of Holland, the object of this treaty was perfectly just, inasmuch as it was simply to effect the union of Belgium with Holland, that being the object of Holland itself. The principal party to the treaty was the King of Holland; England was only a collateral party. The object was Dutch; because the payment to Russia, was on account of the continuance of the union; and the consideration was Dutch, because it was either paid in Dutch money by Holland itself, or by England out of the debts of Holland. There was one consideration which appeared to him to overturn the whole of the argument of the other side of the House; but, before he came to it, he would make one or two remarks. His hon. friend agreed, that this was, in fact, neither more nor less than a Dutch arrangement, and, so far did he carry that argument, that he really contended (and so did other Members), that, if we did not pay the money to Russia, inasmuch as it consisted of the price which we were to pay to Holland for Demerara and some other colonies, we ought to pay it to Holland. That argument was founded on a complete and entire misreading of the Convention of 1814, which said, that certain things should be done in respect of a certain consideration to be paid by England, What was that consideration? Partly a sum of money, and partly an undefined responsibility; the defined sum of money consisting of one million, to erect fortresses in the Low Countries, and the undefined liability being neither more nor less than this; that we should pay to Holland an amount which all the great Powers of Europe should deem necessary, only with this condition; that the sum so paid should not exceed 3,000,000*l*. The union of Belgium and Holland was no longer practicable, and Ministers were told, that, if the great Powers of Europe were of opinion, that nothing further could be done with respect to it, England had paid what she was bound to pay. He did most confidently submit that, by the two Conventions of 1814 and 1815, this money ought to be paid. Looking merely to the preamble of the treaty, it might be possible to construe it in any way; but, as it had been over and over again said, you must look not at the mere terms of the treaty, but of the stipulations and obligations which it contained. Thus, then, it appeared, that liabilities were contracted between this country and Russia, just the same as would have existed, if there had been separate treaties between Russia and England and Russia and Holland. He had endeavoured to establish this point, in order to disentangle the question from the confusion or indistinctness which had been thrown around it, by treating England as being only a secondary party. If, then, he were right in his position, at what result did he arrive? The case stood precisely thus; England was bound by treaty to pay a certain annual sum to Russia. This obligation, however, was conditional; it depended upon the condition that Holland and Belgium should remain united; and if that condition were broken, the obligation on England to pay the money to Russia terminated. Hon. Members opposite had a perfect right to contend, that inasmuch as the condition had been broken by the termination of the union between Holland and Belgium, we were released from the obligation of paying any more money to Russia. These were considerations which, according to the laws of common sense, reason, justice, and even humanity itself, subverted the conclusion which hon. Gentlemen had drawn from their own premises. Had nothing happened, which (supposing the condition to have been broken) should suspend the natural consequence of the failure of that condition, namely, the release from payment? In his opinion there had; because common sense, reason, and justice, established the proposition, that it was impossible for any party to take advantage of the breaking of a condition, in order to relieve himself from an obligation, when he himself had been the cause of the condition being broken. This principle was conclusive of the question. He was not fond of quoting from the learned writers on the law of nations; but, if it were necessary, he could easily produce authority in support of the principle which he had laid down. He would not quote a single word, then; but would only remark, that the publicist, who, of all others whose works were now in existence, most strenuously advocated the necessity of construing treaties rigidly, according to the letter, stated, that there was one case in which nations could not be released from the obligations of a treaty, and that was the very case which he had laid down, namely, that of a party inducing another to break a condition, which he would have kept, had he been allowed to do so, and then taking advantage of such a circumstance to relieve himself from an obligation. His (Mr. Grant's) proposition, therefore, was that, whether England be considered as a primary or secondary party, she could not, in justice, first cause a condition to be broken, and then take advantage of it against another party. He would only add one remark more. He was very much surprised at the manner in which an Act of Parliament had been spoken of, in the course of these discussions, by some hon. Gentlemen. They had contended, that the treaty might have borne a wider and more liberal interpretation, when it rested on the footing of the law of nations, than now, when it had been incorporated into an Act of Parliament. The right hon. Baronet had too accurate a mind, to adopt this view of the subject entirely; but it had been broadly advanced by some of his friends; and he, to a certain degree, had sanctioned it. This argument must be urged, in forgetfulness of this principle, that the law of nations was part of the law of England, and had been so stated to be, by the most eminent persons who ever dispensed justice in England. When, therefore, the Act of Parliament declared, that the money should be paid, according to the tenor of the treaty, it meant according to the legal import of that document. What, then, was its legal import? Its legal import, according to the law of the land, was the same import which it bore according to the law of nations. The treaty must be construed, in the same way, in the great forum of nations, as in the municipal forum. Our obligation would remain the same, whether it be imposed by a treaty which was laid upon the Table, or by an Act of Parliament, which was placed upon the Statute Book. He agreed with his noble friend, the Secretary for foreign affairs, that treaties ought to be construed with the greatest extent of liberality which was ever applied to municipal instruments. But, upon the present occasion, he claimed for this treaty no obligations of a more binding nature than existed in any transaction between man and man. In the transactions which occurred between man and man, no party could induce another to break a condition, and then take advantage of that infraction to relieve himself from an obligation. An objection had been raised against the payment of the money to Russia, on the ground of the new treaty; for it had been said, if we were bound to pay the money by the old treaty, why was a new one necessary? In reply to this, he would merely state, that if we acknowledged our liability to pay the money, we were bound, at the suggestion of Russia, to draw up a fresh instrument of assurance, to satisfy any doubts which Russia might entertain with respect to the original treaty. These being his views upon this question, he should certainly feel it his duty to vote against the Motion.

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* Hansard, (third series,) vol. ix. p. 912.

Sir *Charles Wetherell* said, the Motion conveyed a strong censure on his Majesty's Government. Many Gentlemen who had not been in the House, might not know what the Motion was. It was for an Address to the Crown for copies of the Convention of the 19th of May, 1815, which sanctioned the loan from Holland to Russia. That Motion only called for the production of information, to be laid before the House, prior to requiring it to vote away five millions of money. Gentlemen on the Ministerial side of the House called themselves conservatives of the national honour. Those who opposed them were also said to be opposed to the national honour. He should only say, give the information in order that they might see whether the national honour had been supported. If that should appear to be the fact he would not oppose the case relied on by his Majesty's Government. The hon. and learned Gentleman (the Attorney General) had only laid down the proposition that he entertained doubts of the treaty; and secondly, that it must lead to revolution and separation of Belgium from Holland. He thought his hon. and learned Friend would not deny that on a former occasion he made that declaration. If the hon. and learned Gentleman did not use words to that effect he must have been belied in many diurnal publications. The noble Lord the Paymaster of the Forces had also said, "Why do you not call for the papers?" Under all the circumstances he could not but believe that all he imputed to Gentlemen on the Ministerial side actually did occur. When papers were asked for, none of them would allow the parliamentary propriety of producing any of those papers before they came to the granting of a large sum of the public money. In following up the Motion he wished to stand on the footing of the Attorney-General.—They had been told that the case was made out by a mass of evidence. He did not wish to turn out the Ministers; he did not wish to degrade the hon. candidate for Marylebone; but he should call for the external evidence which induced the law officers to bolster up the treaty. It was said the treaty did not embrace the case, but that Ministers had in their possession evidence to justify the opinion of the law officers that it was proper to pay the money. He should say produce those documents. He could find no case in which Ministers had called upon the House of Commons to come to a vote in support of the letter and spirit of a treaty without evidence. This mass of papers which captivated the sense of lawyers ought to be produced. The hon. member for Middlesex had given an extraordinary vote against the Motion. It was the first time, and might be the last, that any member for Middlesex would vote away the public money to keep five Cabinet Ministers in their places. The hon. member for Middlesex voted away five millions to keep five Ministers in their places. If they acted upon the principle that honesty was the best policy, what a Ministry it must be! He deprecated the conduct of the hon. member for Middlesex in voting away the public money to keep Ministers in their places. He condemned such Middlesex morality, and trusted the people would have no more such guardians of the public purse. What would the country think of Ministers whose adherents must, in order to keep them in place, vote black white and white black? Or what could be thought of the morality that would act upon and openly avow such principles? Looking at the Treaty of 1815, it was clear that the basis of it was the interminable integrity of the kingdom of the Netherlands. That integrity was guaranteed; and in the clause there was even a prayer to God to forbid the separation of Holland and Belgium; but this new Treaty or Convention was based upon separation, and in it a prayer was offered to prevent their being ever united. For his part he could not understand the consistency of such pious diplomatic ejaculations. The hon. member for Middlesex said, that he had been induced to vote with Ministers from a fear of turning them out of office. It would be difficult for the hon. Member to explain such conduct. If the spirit and letter of the former treaty were in perfect unison, as had been stated by Ministers, where was the necessity of the new Convention? The pretended consideration of this new obligation was a sympathy and co-operation on the part of Russia with England in her policy towards Belgium. Now he defied the noble Lords and right hon. Gentlemen opposite to show a single precedent where a sum of five millions was given by this country to any other to induce that other to follow in the wake of England. In saying this he wished to be understood as not asking the House to relax in the least from that sensitiveness for the public honour, which they were bound always to maintain, and which he hoped would never for a moment be forgotten. Let him but have evidence that these payments ought to be continued; let him but have the evidence which satisfied Ministers that these payments ought to be made, and, if equally satisfactory to him, he would say, that the House would not maintain the honour of the country nor its own character if it did not vote for the Convention; but before he came to any such conclusion he must have placed on the Table all the information upon which the Government had acted. The conduct of Ministers was most strange. They said they had information which satisfied themselves, and they then said, that it must satisfy the House, although none of the Members had ever seen it.—This was a poor compliment to the 245, Members who voted with Ministers. He said 245, and not 246, because the Government would hardly claim the hon. member for Middlesex as a supporter. — The monstrous doctrines of that hon. Member had fairly thrown the probity of Parliament into the shade. The principle upon which he had voted, according to his own statement, was not the justice of the case, neither was it whether his vote was useful to the country or conducive to her interest or honour, but he had voted with Ministers because it was useful to them to preserve their places.

Viscount *Palmerston* said, the hon. and learned Gentleman had properly stated, that the question was not whether the Government had a right to pay any money to Russia in January last, as that question had been settled satisfactorily by two decisions of the House. At all events, that question had been disposed of, and he was astonished that it should be revived, and made the subject of another debate. He wished, in the first instance, to set those Gentlemen right who had addressed the House on the other side, and who had spoken of the 5,000,000*l*. of public money which were to be paid, in consequence of this arrangement, to Russia. The fact was, that if the amount were to be paid to-morrow, it would not exceed 1,800,000*l*. He did not mention this as an argument one way or the other, but he thought the extent of the claim ought to be accurately known. The real question now was, whether England was bound to continue the payments of this debt. For his part, he was prepared to contend, that the papers on the Table, independently of all other documents, were sufficient to establish the justice of making those payments. It was clear from the speeches of the Earl of Liverpool and Lord Castlereagh, that the payments agreed upon to be paid to Russia, were in consideration of past services performed by that country, and the latter nobleman distinctly stated, that it was in consideration of such services on the part of Russia, combined with the deranged state of her finances—that derangement having been caused by her exertions in the cause of Europe—that the then Government made the treaty, and took upon themselves the responsibility of recommending to Parliament to make the payments. It was not necessary for him then to enter into the particulars of the original claims of Russia, nor of the manner in which this country became indebted to Holland for a cession of certain colonies, but he would add, that the main condition of the payments was, that Russia should co-operate with England in her policy respecting Belgium. He would again ask, was the separation which took place between Holland and Belgium the one contemplated in the treaty? He was clearly of opinion that it was not. The separation contemplated was one against the wishes of England, and effected with the concurrence of Russia. Now the fact was, that Russia was prepared to prevent the separation, and had been prevailed upon by England to acquiesce in it. Hon. Members opposite complained that England was at first to pay Russia for the union of Holland and Belgium, whilst, by the new Convention, Russia was to be paid for the separation, and an attempt was made to show that those two stipulations were inconsistent with each other. He did not think so. It was, on the former occasion, thought, that it was the interest of England to have Holland and Belgium united, but since then it became the policy of England, with a view of preserving the peace of Europe, that Belgium should form an independent State. The separation contemplated was against the policy of England; the separation which had taken place was agreeable to the policy of England, and it was a separation which Russia had been willing to prevent. The principle contended for, was the interest of this country, and it was equally applicable to both cases. In each case Russia acted with good faith, and had done nothing to deprive her of her rights under the Treaty of 1815. As to the altered wording in the new Convention, he had only to say, that it could not be expected from Russia that she should allow so important a question to remain in any doubt. He said, that they had adopted precisely the same principle as was recognized by the original Convention. They had obtained from Russia the assurance, that whatever might be her policy with regard to Belgium, that policy should be consistent with the interests of Great Britain. It was obvious that we could not have made the continuance of the payment of the money depend upon a contingency before it presented itself, as consistent with the principle on which the treaty was founded; but, when it was seen that it was only following up the same principle by a new mode of execution, then Ministers were consistent in adopting it. He should like to ask those who raised such grave objections to the payment of the money to Russia, what would have been their opinion supposing the prince of Orange had been elected king of Belgium, instead of prince Leopold? Would they have contended that the obligation to pay the money would have ceased? The words of the conditional parts of the treaty would, at least, have been satisfied; and yet, if it were admitted, in that case, that Russia would have been still entitled to a liberal construction of the treaty, so as to continue her claim upon England, why was the payment to cease, merely because the Belgians elected Prince Leopold for their King? It would have been a manifest absurdity to have made the continuance of the payment depend upon an act of choice, over which neither this country nor Russia could have any influence. The great object in view was, the preservation of the peace of Europe; and Russia was prepared, if we, by our policy, had thought it fit, to concur in hostilities for the re-establishment of the kingdom of the Netherlands. But it was thought better by England not to adopt that course. When the most determined resistance had been made by the Belgians to their union with Holland, it was thought prudent not to attempt to resist the national will: it was considered that the peace of Europe would be better maintained by the independence of Belgium, as distinguished from its union with France—an independence founded upon the affections and feelings of the people, and by which its national interests should be secured, rather than to attempt, by overrunning the country with foreign troops, to compel that people again to submit themselves to the union which had been made in the year 1815, but which they had so utterly repudiated. But, supposing the conduct of England had been otherwise, and that it had been our policy to attempt the re-establishment of that union, then no question could have arisen as to our liability to pay this money to Russia. Now, setting aside the injustice of attempting to crush by force of arms that expression of national feeling which led to the separation of Belgium from Holland, he put it to the Gentlemen opposite, who, no doubt, were prepared to make a great display, upon the hustings, of the regard which they had in this case shown to an economy of the public money, whether the financial condition of the country would be more benefited, and its general interests better promoted, by the adoption of such a line of conduct—a line of conduct which their arguments and reasoning would recommend—than by the adoption of that cours of policy which his Majesty's Ministers had felt it their duty to pursue. He said, that not only was the course adopted consistent with good faith, but with the soundest policy; and that it was well calculated to promote the interests of the country, even when regarded under the narrow aspect of a mere question of economy. The consideration, then, for which this money was paid being services, past and performed, by Russia, before the year 1815, we were not entitled to mix up with this question events which had happened since. Russia had kept faith with us as regarded this Convention, and we were, therefore, not at liberty to suffer any quarrel we might have with that Power, on account of her policy in other matters, to interfere with the fulfilment of our obligations to her under this treaty. And he would venture to say, that if Government had adopted a different line of conduct—if it had refused to continue the payment of this money—Gentlemen on the other side of the House would have got up and accused the Ministers of a gross breach of the national faith. The hon. member for Thetford would probably, under such circumstances, have come forward, and told the House, that these payments were as justly due as the dividends on the Three per Cents; and he would have charged the Ministers with having tarnished the honour of the country, and violated the obligations of treaties. But under what circumstances was the payment in January made? After the events had occurred in Belgium, which had been before explained, doubts were entertained as to the payment of this money being any longer binding. The Attorney General gave it as his opinion, in consequence of the papers and correspondence which had been laid before him, that the money was due. If he understood the circumstances rightly, that opinion was formed upon the treaty and the secret articles only, without the correspondence. [" *No, no*"]. He was aware that his hon. and learned friend thought the payment ought to continue; but he understood his opinion was, that the payment would have been good without that correspondence, which, however, strengthened and confirmed his opinion. His own opinion upon the Treaty of 1815 was, that this money ought to be paid. It had been asked, if this were the case, why make this second Convention? Because, although it be a sufficient ground of proceeding for the Ministers of the Crown to have the opinion of their law advisers as to the construction of a treaty, yet, could it be supposed that a foreign government, knowing that changes might take place in the Administration of this country, should be satisfied to leave a doubt as to the construction of a treaty between that government and this, and to allow it to depend upon the opinions of the persons who might happen to be in office? With respect to the opinions of the hon. Gentlemen opposite, as to whether this money was or was not really due, nothing, during this discussion, had transpired to lead him to conclude, either one way or the other. It was true they had condemned the mode of payment; but, so far as he had been able to make out their opinions, they had not yet brought themselves to affirm, positively, one way or the other, whether, according to good faith and honour, the country was bound to continue these payments. He should like to know their opinion; and, while they were moving for papers to enable them to put a construction upon the treaty, he should be glad if they would state what their opinion was upon the papers already before the House. The course they had pursued was most singular. In January they moved a positive resolution, that the money was not due, and ought not to be paid; in July the obligation was said to be determined; they were prepared to vote for the present proposition, though they were not prepared in their speeches to assert it. When the House had twice emphatically decided that these propositions were not correct, what was the next thing they proposed? Why, they moved that the House should obtain information respecting that very point upon which they had told the House, they were quite prepared to come to a decision without any information at all. Was ever so monstrous a proposition made? They endeavoured to pass a vote of censure on Ministers—they were twice defeated; and then they asked for information upon the very subject-matter on which they proposed their vote of censure. The right hon. Gentleman argued, that in 1815 Parliament sanctioned the treaty with information, but that in 1832 a treaty was proposed to be adopted by Parliament without any information at all. Certainly, the House had better grounds upon which to proceed now, than it had in the year 1815, because the secret article had now been produced; the case, therefore, stood more fully explained than it did in 1815. But, in truth, there was something still more extraordinary in the proposal now made by the right hon. Gentleman opposite; because he could very easily understand how hon. Gentlemen, who had a strong opinion that this treaty was not well founded, and that the faith of the country was not pledged, might say to Government, "If you will place upon the Table all the information you possess, we may alter our opinions." But what was the case? Why, the Gentlemen said "There is no information; the payments are contrary to Act of Parliament, and we cannot sanction them." The motion was most extraordinary. The course pursued by the hon. Gentlemen opposite was most strange, for, after two decisions of the House, they came down again and asked for additional papers, for the purpose of showing whether the House had acted wisely or not. They first moved a vote of censure, and, having failed in that, for which they had laid no grounds, they then sought for information which was not at all necessary. Much had been said of what had fallen from the hon. member for Middlesex. He certainly could state, from his own experience in Parliament, that nothing was more common (and he would also add, that nothing was more constitutional) than for hon. Members to place confidence in the Government or party to which they were attached; and, having reposed such confidence, and believing that the success of their party would be of benefit to the country, there was no inconsistency in yielding up individual opinions to the general interests of the country. Putting this question as it had been put to the hon. member for Middlesex, he would ask, if there were any public men in this country who, if placed in office, would so tarnish the honour of the country as to refuse to pay this money? He would take it upon himself, from his own knowledge of those persons most likely to come into power if the present Ministry were broken up, to say, that there was not a man of them who would refuse to pay the demands of Russia or would say the money was not due. Where, then, would be the economy? The true interests of all countries demanded the maintenance of good faith and honour. This was shown in the case of several nations, which had by their crooked policy fallen from the highest pitch of glory, whilst England, by her good faith and generosity, had risen to the first rank amongst nations. He fully concurred in those principles, and was entirely convinced that nothing was to be gained by tergiversation or dishonesty.

Sir *Robert Peel* said, that if he understood the charge of the noble Lord against those who opposed the Government, it amounted in truth to this, that the Opposition had not been so factious as to declare that they would resist the payment of money to which there was an equitable claim; that they would not advocate a breach of national faith, although they were desirous to vindicate the honour of Parliament. They were actually accused of having omitted to avail themselves of the most likely topic to catch popularity, and taunted for not declaring that they would resist the payment of the money to Russia under all circumstances. He had distinctly said, from the outset, that he would not pledge himself to anything of the sort; he was told by the economists, "Only hold out the hope that the money shall not be paid at all, and we will give you our support;" but he had said, that he would support national faith at whatever cost. He had always said, that the money was a trifle, compared with the maintenance of public honour; but while prepared to satisfy every equitable claim upon the country, he also wished to make Ministers responsible for misconduct, and to vindicate the dignity of Parliament. The readiness on his part to forego the advantage of the argument from economy was a sufficient answer to the charge, that the Opposition were aiming only to unseat the Government. The noble Lord had said, that the hon. member for Middlesex had acted most wisely by refusing to allow himself to be entrapped by plausible motions, but unfortunately, the eulogium on this occasion was not just. The hon. Member was, undoubtedly, not hasty in supporting the opponents of the Ministers, but, on the first occasion, when those Ministers were the hardest run, and when, as the noble Lord said, the Reform Bill itself was in danger, the member for Middlesex had been entrapped, and, regardless of national faith, regardless of the fate of Ministers, regardless too of the danger to the Reform Bill, he actually voted in the minority. Not only, then, was the eulogium not just, but, after what had occurred in the passing of the Reform Bills, it was most unfortunate. The hon. Member had voted in January, that the payment of the money was illegal; in July he voted directly the reverse; but, to console his opponents, he told them that he knew his vote was a dishonest one, and that he gave it to preserve the Ministers in their places. The hon. Member said, he had voted repeatedly against his conscience and his judgment, and would do so that night to preserve the Ministers in their places. A more extraordinary exhibition of candour he had never witnessed; and the noble Lord urged, in defence of the strange avowals they had heard that night, that it was wise and proper for a person associated with a party to give up his own particular opinions, on peculiar points, for the interest and advantage of the whole body. Oh, if a Member for a rotten borough, if a Representative of those small constituencies condemned by schedule A, had made such an avowal as they had heard from the member for Middlesex; if he had dared to declare that he voted black was white, and white was black, against his reason and conscience, merely for the purpose of maintaining a Ministry in their places, what an indignant outcry would there have been against such shameless and profligate conduct. Why, those very boroughs had been condemned, because it was alleged that the Members returned for them did not vote upon their conscientious view of each particular question, but voted with their party, and supported that party upon every subject, without reference to its merits. But the member for Middlesex was a privileged man, and could take a liberty with his conscience not allowed to the Members for smaller constituencies. Much should he like to hear that hon. Member addressing his constituents upon the subject. He could shadow out in his mind the very words that would fall from the hon. Member. He would say, "Pledges from me must be unnecessary. My votes in Parliament are before you. Examine them, compare them, and in them you will find the perfect mirror which reflects my parliamentary conduct." But surely it would be most perplexing to the hon. Member, if any of his constituents should take upon himself to inquire, in return, to which class of contrary votes they were to refer, and should demand some test by which the black votes might be distinguished from the white. And, possibly, as the votes of the hon. Member seemed to be so nicely distinguishable by their colour, if there should be a few of an intermediate shade, the electors might characterize them as the Grey votes. They might ask him to reconcile the difference between the January and the July votes. They might say, "Upon which of these two votes do you mean to rely? Is the January vote or the July vote the black one?" The member for Middlesex did not deserve the eulogium of the noble Lord, for his black votes and his white votes were given, in contradiction to each other, under circumstances precisely the same. The defence, that he sacrificed his opinion to the interests of his party was not available for him. In January, the hon. Member gave a white vote, and opposed the Ministers upon this question; and now he gave a black vote, and supported them. But let it be remarked, that in January the Reform Bills were not passed; and the Government was extremely hard pressed, having a majority of only twenty-three; while now the Reform Bills were passed, and the Government had managed to procure a majority of forty-six. The hon. Gentleman was, therefore, without the shadow of an excuse for his inconsistency. He thought they might lay aside the questions which had been argued on preceding evenings. The question now was, whether or not they should have information, acknowledged to be in existence. The noble Lord said, that the opponents of Government first attempted votes of censure, and now, when it was too late, they asked for information. They were told it was too much to inflict censure, without having before them the information upon which the Government had acted. They then asked for the information, and it was refused, without even an allegation that to grant it would be inconvenient to the public service? The noble Lord said, that the payment to Russia was made for services done and performed by Russia, which were notorious, and which required no explanation. But did the House remember the pathetic appeal of the Solicitor General? "Oh!" said the Solicitor General, "If you had seen what I have seen, if you had had access to the pile of documents I have waded through, you would have no hesitation in granting the money." When the House asked for a sight of these convincing documents, the noble Lord got up, and quoted to them *Hansard's Parliamentary Debates*, and the Reports of Lord Castlereagh's and Lord Liverpool's speeches. He never could believe that the documents so pathetically alluded to by the Solicitor General were two speeches of Lord Liverpool and Lord Londonderry, to which every human being had access in that most excellent work. If the noble Lords wished to convince the House that they had acted correctly in this transaction, let them produce the official documents on which their judgment professed to be founded. It was vain for them to rely upon a majority of forty-six; vain for them to call a motion for information factious. The only sufficient answer would be the production of the documents. But the noble Lord said, it was extremely clear that the money was to be paid to Russia for past services performed; why, then, did the noble Lord require a new Convention? The preamble of the second Convention certainly referred to the first, and it expressly recited it, but nothing whatever could be found in it about the past services of Russia. It stated the consideration to be, the adhesion of Russia to the general arrangements of the Congress of Vienna. If it were true, that the original payment to Russia was made on account of services rendered to the general cause of Europe and sacrifices made by Russia, why did the second Convention allege that the equivalent which England was to receive from Russia in return for the continued payments was this, that Russia would not contract any new engagement respecting Belgium, without a previous agreement with his Britannic Majesty, and his formal assent? Where, then, was the justification of the assertion, that the two treaties were founded upon the same consideration? The Government gave to the House conflicting documents. The one corresponded not with the other. The noble Lord contended that the money was due to Russia for old services. Then why the new condition in the second Convention? The preamble bound Russia, in consideration of the continuance of the payment, to identify her policy with that of England with respect to Holland. That, he contended, was entirely a new condition, and how could it be maintained, that if the money was fairly due to Russia for former services performed, it was now just to impose upon Russia, as a condition of payment — that she should change her policy with regard to Holland so often as the policy of this country was changed? The question had been repeatedly asked, was this money to be ultimately paid or not? He would say this; unquestionably it was to be paid, if the country was bound to its payment by good faith. He would not tarnish the fair fame of the country for any sum whatever, upon any occasion, but more especially upon an occasion on which England had received a valuable consideration. When we incurred this responsibility on the behalf of Holland, we received from that country the colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice; we still retained those colonies, they were valuable possessions, and therefore we were the more strictly bound not to shrink from any equitable obligation we had incurred. He agreed with his hon. friends that the money might be due from England; but to whom ought it to be paid? He could by no means admit that the first Convention justified the second as a matter of course; but still there might be circumstances, not at present known to the House, which would still call for the continued payment to Russia, and authorize the new Convention: but what those circumstances were, the House had a right to know before it was called upon to ratify the Convention. The noble Lord said, this country was bound to continue the payment to Russia by the good faith that Power had evinced. It appeared that when the separation was about to take place between Holland and Belgium, Russia said, "I am ready to fulfil the treaty; my troops shall march upon Belgium, to continue the incorporation." "Oh! no," said England, "our policy is altered; we wish the separation to take place." "Very well," was the reply of Russia; "continue to me the payment, and I am ready to subscribe to your policy with respect to Holland and Belgium." Such might be the fact; but, if it were, it ought to be established. The documents proving that to be the case ought to be in the possession of the House before it was called upon to ratify the treaty. The King might make a new treaty under a new system of policy, but it was for the House to say, in a case in which the payment of money was concerned, whether it would enable the King to execute such a treaty. If it were proved that this country had induced Russia, by a promise of the continuance of the payment, to act in the manner she had done, that gave rise to a new case, and a new Convention was necessary, the policy of which depended upon many mixed considerations. He had said, he was not free from doubts as to whom the money ought to be paid. An hon. Member (Mr. Gisborne), who had argued the question ably, had said, that Holland was badly used; but the same hon. Member contended, that England was exonerated from making the payment to Holland, on account of the unjust and impolitic conduct of that country to Belgium. That argument appeared to him most unsatisfactory. The hon. Member admitted that Holland had a right to refuse to pay her part of the loan to Russia. Let him suppose that the whole of the loan had been payable by Holland, and that that country had retained possession of the colonies she had given up to this country; how then would the case stand? If Holland was justified in refusing to pay a portion of the loan, surely she would, in the case he was supposing, be equally justified in refusing to pay the whole; and, therefore, if this country had not been put in possession of the Dutch colonies, Holland would have retained her colonies, and would have no debt to pay. But England had the colonies, and to what Power then, according to the reasoning of the hon. Member, ought England to make the payment of her portion of the loan? Surely to Holland. It might be very convenient, for ensuring Russian acquiescence, to make the payment to Russia, but certainly, according to the reasoning of the hon. Member (Mr. Gisborne) it was anything but just. But he never would admit that Holland had behaved with harshness or injustice to Belgium, or that the revolt was justifiable by the conduct of Holland. The revolution in Belgium followed as a consequence from the revolution in France. If the French Revolution had not occurred, they would have heard nothing of the separation of Belgium from Holland; and we had no pretext in the misconduct of Holland, for exonerating ourselves from our pecuniary obligations to that country. He wished not to enter upon the question of the policy pursued by his Majesty's Government with respect to Belgium; but he could not help smiling when he heard an hon. Member contend, that to place Prince Leopold on the throne of Belgium was a matter of great advantage to this country; because, forsooth, that prince had formerly been allied to a daughter of the King of England. What did the hon. Member think of the alliance which the king of Belgium was now about to form? If a matrimonial alliance, that had now ceased fifteen years, was to have so powerful an influence over King Leopold's politics, what did the hon. Member think would be the effect of a marriage with one of the daughters of the king of the French? If the former connexion had made Leopold an English prince, would not the new connexion make him a French prince, and would not all the advantages of placing him on the throne, which were expected to belong to England, in reality belong to France? He implored the Government not to drive the House to a premature discussion of those matters. The payment could not rest upon the old Convention, but must depend upon the new, mixed up with considerations arising out of the old. The Government had been rescued from a vote of censure, and might, therefore, without difficulty, consent to a postponement of the question. He asked not for an indefinite postponement, but as long a one as the duration of the Session would authorize. A premature discussion on Belgian affairs was open to great objection. It was true that the five Powers had agreed to the separation, and had recognized King Leopold, but it was also true that none of the necessary arrangements were yet completed. The last article of the Convention clearly proved, that the period for decision on the merits of that Convention had not yet arrived. It assigned, as the reason of the Convention, the preservation of the peace of Europe. How did they know the peace of Europe would be preserved? He hoped to God it might, but, under the present circumstances, it was utterly impossible to affirm that it would. He wished not to enter upon that question; he wished not to say a word upon the conduct of this country with respect to Belgium. On the contrary, he, and those who acted with him, had carefully, upon all occasions, abstained from provoking debate on the question of Belgium. He had strong feelings upon the subject, but he had been unwilling to enter into a premature discussion. These negotiations were drawing to their close, and, whether they would end for good or evil, the march of time would soon disclose. Holland had been told, that by the 20th of July she must concur in the treaty, or force would be employed to compel her assent; and with such a declaration, was it decent or wise to call upon the Parliament to ratify the Convention now before the House? He had no doubt as to what the conduct of Russia would be; he had no doubt that she would keep her engagements to England respecting Belgium; but why should they be called upon to sanction the new Convention, until the negotiations now pending, as to the future relations between Holland and Belgium, were brought to a close. There were rumours that a French and English fleet were to be united for the purpose of constraining Holland to submit to the treaty. He trusted such was not the case; but, if it were, it was most unfair, in such a state of affairs, to compel a decision by the House of Commons as to the policy of a new pecuniary engagement to Russia. With respect to the alleged conduct of Russia to Poland, he was glad to find that all agreed in thinking that that subject had no connection with the present. He had heard some statements in the House respecting the conduct of Russia to the Poles, and he believed many of them to be unfounded in fact. It had been stated that thousands of children had been torn from their parents, and banished into Siberia; he had expressed his disbelief of that assertion, and he had since been informed, on good authority, that those children were orphans—made orphans, he regretted to say, by the calamities of war—and that they had been placed in Russian schools, not for the purpose of separating them from their parents, for they had none, but for the purpose of providing for them in their helplessness, and giving them education. So viewed, that which, under another aspect, appeared an act of gross cruelty, might be a humane proceeding. He was thankful to the House for the attention with which it had heard him, at so late an hour, and concluded by entreating the Government not to drive the House to a division. If it obtained another small majority, that majority would not convince the country that the conduct of Ministers had been justifiable.

The *Attorney General* felt himself called upon to remove some misapprehensions which seemed to prevail, relative to the opinions which his learned friends and himself entertained on this subject. It had been supposed that they formed, in the first instance, an opinion, from considering the treaty itself, which could only be altered by the private documents laid before them, and which the present Motion sought to bring before Parliament. This he had never stated; but merely that his first impression, from the text of the treaty, was in favour of an exemption from future payments; but that his opinion, when guided by other documents, and by the circumstances of the time, was, that no case creating that exemption had, in fact, arisen. On the 16th of December, and on the subsequent discussions of January, June, and July, he uniformly declared, that he (the Attorney General) had been satisfied that the separation had reference only to such an event having been effected by a hostile power. But he never said, that it was necessary to see additional papers to those already furnished, to form such an opinion. It appeared to him that the House of Commons had twice decided that point then before them; and the Motion, therefore, if not in form, was yet in substance, a vote of censure upon the House itself, which had said, that it had documents enough to form an opinion as to this treaty. His noble friend, the Paymaster of the Forces, was supposed to have spoken in favour of this dextrous Motion, because he said on a former occasion, that the course for hon. Gentlemen opposite to take was, to move for papers. But the question was then put upon very different grounds. It was then said, that the House must not go out of the four corners of the treaty. It was a just answer to that observation to say, that there were other documents which threw light upon the subject. But with what pretence could hon. Gentlemen now move for papers, whose uniform argument, on the two first discussions, had been founded on the treaty itself, with a stout denial that any thing extraneous could throw light upon it? The right hon. Gentleman opposite knew that the opinion of Ministers was formed with the help of other documents; but not a word was said in January about producing them. In the notice given in January, the motion was in condemnation of the conduct of the Government, and the whole discussion turned upon the question, whether the Government had rightly construed an Act of Parliament. It was the same the other night; and now, for the first time, it was intended to move for papers, which, if they were to have any effect at all on the opinion of hon. Gentlemen, ought to have been called for before. They wanted no information to pass a censure upon the Government; they denied that any information could relieve the Government from censure; and now they called for information in hopes of culling out from it some other matter of reproach. It had been said, that the hon. member for Middlesex had committed himself, by the sentiments he had this night expressed. If that hon. Member were to be paired off, in counterpoise to all the votes which had been given from party motives against the Government, his Majesty's Ministers would be considerable gainers. He might refer to the hon. Baronet opposite (Sir Charles Forbes), who stated, that he was convinced of the binding obligations of the treaty, and yet was willing to vote for the present Motion, which was one of censure upon the Government. The gross inconsistency he had pointed out, as well as the attendance of Members from the most distant corners of the realm, sufficiently proved the motives for this new experiment. The right hon. Baronet, the member for Tamworth, had now, for the first time, said, that we ought to pause in these payments, till we knew whether Russia would conform to the policy of England; but the payment of this debt was not to depend upon the course which Russia might hereafter take. The consideration had been given, and the obligation was binding upon the country. It was for the House to decide, with a perfect knowledge that nothing had taken place to relieve this country from her obligations, whether she should not continue to fulfil them? The conferences which had taken place were never intended to put an end to our obligations, although the condition, for the future, had been altered. The policy of Russia was to be identified with that of this country; and, by the command which we thus acquired over the power of Russia, we had an additional security for the maintenance of peace. To adopt the right hon. Baronet's suggestion, would be to revive disputes now settled, We were, perhaps, on the eve of great events, and, therefore, he deprecated the idea of again unravelling this skein of obligation, the binding strength of which, had already been twice recognized. Why should they again open the question of the conduct of all the Powers of Europe towards Holland, and by entering into discussions so angry in their progress, disturb the course of the negotiations which his noble friend had to conduct? No ingredient could be thrown into the cauldron of discord more likely to make it boil over, than further discussion on this unfortunate subject. Let the House remember, that it would be the worst of all possible economies—entailing not only a lasting, but an immediate, expenditure upon this country—to do anything to disturb the arrangement now in progress to secure the inestimable blessings of peace. His object in rising was, to state distinctly the humble part which he had taken in these transactions. There was no inconsistency in anything he had done in this matter, he protested equally against the notion that his first impression as to the treaty was not to be altered by any other documents whatever, and against the allegation that that first impression might not be fairly altered, and a mature opinion formed by the facts and documents of which Parliament was already possessed. God forbid that the House of Commons should not have the means of judging of the course pursued by his Majesty's Government! but it had the means, it was satisfied with them, and agreed in the conclusion to which Ministers had come, and must be sensible that to raise a new controversy would be to put all our hopes to hazard, and perhaps throw back to an immeasurable distance that arrangement and pacification which there was now every reason to believe would be durable.

Sir *Richard Vyvyan* thought that the hon. and learned Gentleman had fallen into so strange a confusion in his argument, that, although it was now late, he could not help rising to notice it. He meant to advert to that point, that the House was about to decide a question which had already been twice decided. But the questions they had discussed were, whether they approved of what Ministers had done? And whether or no Ministers had acted right in paying this money to Russia? But the question now before the House was, whether the Government should produce or withhold certain papers which it had evidently in its possession, and which would enable the House to form a more accurate opinion upon the subject. Were they to give a blind vote of confidence? That was the question at present. Whether the money ought to be paid might be a question hereafter; but it was a question as distinct from this as that which they had before discussed. Many Gentlemen, however, had been so blinded by the course of argument used on the other side, that they thought they were going to vote against the payment of money to Russia? The hon. and learned Gentleman intimated, that the right hon. member for Tamworth had not acted fairly in talking about important negotiations still pending. But was it fair in the Government, if this treaty formed a part of the great general scheme entered into between the Five Powers (which it must do, for it referred to the separation of Holland and Belgium), to pledge the House upon the whole subject, when it only laid a part of it before them? Hon. Gentlemen were much mistaken, if they thought that a vote of blind confidence on a subject of this importance would not be considered when they came upon the hustings. The Reform Bill was now passed, so that there was no plea for voting on the side of the Government except on the merits of every question. This was a subject in which the interests of the country, and a great question of foreign politics were deeply involved; and it was one upon which he should not have expected the Government would have kept back documents. He thought that the whole matter of this Convention, and the motion that the Speaker do leave the Chair, ought to be postponed, till there was a full discussion upon the separation of Belgium and Holland. The noble Lords opposite, in attempting to defend a cause, in itself bad, had not brought forward even the evidence which they might have done, and which, perhaps, might quite have altered the complexion of the case.

Viscount *Palmerston* said, that the Government desired it to be understood that the vote upon this question would pledge no one to the general question of the policy towards Holland and Belgium.

Mr. *Kearsley* next spoke, but amidst incessant cries of "Question." He hoped the House would bear with him for a short time. He did not often trespass on the indulgence of the House, and when he did he was generally fortunate enough to obtain a most cheerful audience. His speeches were " like angels' visits—few and far between." It was only a few nights ago that the hon. member for Middlesex calumniated the emperor of Russia, by calling him " a monster," and he was therefore very much surprised to see that night the noble Lord, the Secretary for Foreign Affairs, bandying compliments with the hon. Member, and pitching it right and left. While on his legs, he would take the liberty of addressing a few words to the noble Lord, the Chancellor of the Exchequer. Did not that noble Lord know that he was bringing down the Divine wrath on this country by the desecration of the Sabbath? He would inform the noble Lord that

> " Example strikes where precept fails,
> And sermons are less read than tales."

He knew that he possessed but a weak voice, but if he had a strong one, he would not fail to ring into his gracious Monarch's ears, that his illustrious father would have blushed to have countenanced men who had not a blush in them.

The House divided on the Amendment, Ayes 155; Noes 191; Majority 36.

Committee postponed till the following Friday.

List of the Noes.

Althorp, Viscount
Anson, Hon. G.
Baring, F. T.
Barnett, C. J.
Bayntun, S. A.
Benett, J.
Bernal, R.
Biddulph, R. M.
Blamire, W.
Blount, E.
Bouverie, Hon. P. P.
Briscoe, J.
Brougham, J.
Brougham, W.
Bulkeley, Sir R. W.
Buller, J. W.
Bulwer, H. L.
Bulwer, E. L.
Buxton, T. F.
Byng, Sir J.
Byng, G.
Byng, G. S.
Calcraft, G. H.
Calvert, N.
Campbell, J.
Carter, J. B.
Cavendish, Lord
Cavendish, Hon. C.
Cavendish, Hn. Col. H.
Chichester, J. B. P.
Clayton, Colonel
Clive, E. B.
Colborne, N. W. R.
Cradock, Colonel S.
Crampton, P. C.
Creevey, T.
Denison, W. J.
Denman, Sir T.
Duncombe, T. S.
Dundas, Sir R. L.
Dundas, Hon. J. C.
Easthope, J.
Ebrington, Viscount
Ellice, E.
Ellis, W.
Evans, Col. de Lacy
Evans, W.
Evans, W. B.
Ewart, W.
Fergusson, Sir R.
Fitzroy, Lord J.
Folkes, Sir W.
Fox, Lieut.-Colonel
Gisborne, T.
Gordon, R.
Graham, Rt. Hn. Sir J.
Graham, Sir S.
Grant, Right Hon. R.
Grosvenor, Earl
Grosvenor, Lord R.
Grey, Colonel
Handley, W. F.
Hawkins, J. H.
Heneage, G. F.
Heywood, B.
Hobhouse, Sir J. C.
Hodges, T. L.
Horne, Sir W.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hughes, Colonel
Hughes, Alderman H.
Hume, J.
Jerningham, Hon. H.
Johnstone, Sir J. B.
Kemp, T. R.
Knight, H. G.
Knight, R.
Labouchere, H.
Langston, J. H.
Lawley, F.
Lefevre, C. S.
Leigh, T. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord A.
Lester, B. L.
Lumley, J. S.
Lushington, Dr. S.
Maberly, Col. W.
Macauley, T. B.
Marjoribanks, S.
Marshall, W.
Milbank, M.
Mildmay, P. St. J.
Morpeth, Viscount
Mostyn, E. M. L.
Newark, Viscount
Noel, Sir G.
Norton, C. F.
Nugent, Lord
Ord, W.
Paget, T.
Palmer, General C.
Palmerston, Viscount
Pendarves, E. W. W.
Penleaze, J. S.
Penrhyn, E.
Pepys, C. C.
Petit, L. H.
Petre, Hon. E.
Philips, G. R.
Price, Sir R.
Ridley, Sir M. W.
Robarts, A. W.
Rooper, J. B.
Rumbold, C. E.
Russell, Lord J.
Russell, Lieut.-Col.
Sanford, E. A.
Schonswar, C.
Scott, Sir E. D
Sebright, Sir J.
Skipwith, Sir G.
Smith, John A.
Smith, Martin T.
Smith, Robt. Vernon
Stanley, Rt. Hn. E. G. S.
Stewart, Patrick, M.
Strutt, Edward
Stuart, Lord Dudley
Stuart, Lord P. James
Tavistock, Marquis
Tennyson, Charles
Thicknesse, R.
Thomson, Rt. Hn. C. P.
Torrens, Col. Robt.
Tracy, Charles H.
Tyrell, Charles
Uxbridge, Lord
Venables, Alderman
Vernon, Hon. George
Villiers, Thomas H.
Vincent, Sir F.
Walrond, Bethel
Warburton, H.
Warre, J. A.
Wason, W. R.
Waterpark, Lord
Wellesley, W. T. L.
Wilde, T.
Williams, J.
Williams, W. A.
Williamson, Sir H.
Willoughby, Sir H.
Wood, C.
Wood, J.
Wood, Alderman, M.
Wrottesley, Sir J.

SCOTLAND.

Adam, Admiral C.
Agnew, Sir A.
Dixon, J.
Ferguson, R.
Fergusson, R. C.
Haliburton, Hn. D. G.
Jeffrey, Right Hon. F.
Johnstone, A.
Johnstone, J.
Kennedy, T. F.
Mackenzie, S.
M'Leod, R.
Stewart, Sir M. S.

IRELAND.

Belfast, Earl of
Boyle, Hon. J.
Brabazon, Viscount
Brown, J.
Browne, D.
Burke, Sir J.
Callaghan, D.
Chapman, M. L.
Clifford, Sir A.
Doyle, Sir J. M.
French, A.
Grattan, H.
Hill, Lord G. A.
Hort, Sir W.
Howard, R.

Jephson, C. D. O.
Killeen, Lord
Lamb, Hon. G.
Leader, N. P.
Macnamara, W.
Mullins, F.
O'Ferrall, R. M.
Ponsonby, Hon. G.
Power, R.
Russell, J.
Sheil, R. L.
Walker, C. A.
Wallace, T.
Westenra, Hon. H.
White, Colonel H.
White, S.
Wyse, T.

TELLERS.
Duncannon, Viscount
Rice, Hon. T. S.

Paired off against the Amendment.

Barham, J.
Beaumont, T. W.
Blake, Sir F.
Burdett, Sir F.
Burrell, Sir C.
Coke, T. W.
Dundas, Hon. T.
Foley, Hon. H.
Grattan, J.
Gurney, H.
Heron, Sir R.
Hudson, T.
Lennox, Lord G.
Paget, Sir C.
Pelham, Hon. C. A.
Phillipps, C. M.
Portman, E. B.
Rider, T.
Robinson, Sir G.
Russell, Sir R. G.
Slaney, R. C.
Stanley, Lord
Stanley, J.
Strickland, George
Western, C. C.
Whitbread, W. H.

HOUSE OF LORDS,

Tuesday, July 17, 1832.

BREACH OF PRIVILEGE.—CASES OF MR. ALLISON AND MR. THORPE.] The *Lord Chancellor* asked whether James Allison, who had been accused by John Joseph Wright, solicitor for the parties opposing the Sunderland Dock Company, of a Breach of the Privileges of the House, was in attendance, and being informed by the officers of the House that he was,

Lord *Dundas* moved, that James Allison be brought to the Bar, and he was brought to the Bar, attended by the Deputy Usher of the Black Rod.

The evidence given by Mr. Wright on the day before, the purport of which was, that Allison had given him a blow on the face, while attending a Committee, was read to him, and

The *Lord Chancellor* asked Mr. Wright whether he had any other account to give of the matter?—No.

Mr. Allison was then examined. He was described as a ship-builder, and stated that he had been examined as a witness in the Committee on the Sunderland Dock Bill, on behalf of the supporters of the Bill, and that Mr. Wright, one of the Solicitors for the opposing party, had, in the course of an address to the Committee, cast, what he considered to be, very injurious reflections on him in reference to his evidence, and that he had, under the influence of excitement and irritation, taken Mr. Wright by the nose. He was very sorry for what he had done; he acted under the influence of irritation, not merely on account of the reflections cast upon him, but also on account of a scornful look cast at him at the time by Mr. Wright; and at the time of the transaction he was not aware that he was committing a breach of their Lordships' privileges. He was sorry that he had allowed his feelings to get the better of his judgment, and threw himself on the mercy of their Lordships.

The *Lord Chancellor:* Did you consider that Mr. Wright meant to insult you?—I did, my Lord.

The *Lord Chancellor:* Have you since made any apology to Mr. Wright?—I have not; I am very sorry for what I have done.

Ordered to withdraw.

Lord *Dundas* moved that James Allison had been guilty of a gross breach of the Privileges of the House, which was agreed to *nem. diss.*

Lord *Dundas* then moved, that James Allison be, for his said offence, committed to the custody of the Gentleman Usher of the Black Rod, which was also agreed to *nem. diss.*, and Allison was taken away in custody.

The Marquess of *Londonderry* thought it his duty now to state, that this was not the only case of Breach of Privilege that had occurred in reference to the proceedings on the Sunderland Dock Bill. There were other Breaches of Privileges that had arisen, or were likely to arise out of the same proceedings. It had been intimated to him that a message, implying a challenge, had been sent to Mr. Wright by Mr. Abbs, the Solicitor for the other party, and he was informed, not by Mr. Wright, but by another person, that the parties only delayed settling their differences in a hostile manner till their return to Sunderland. He moved, that John Joseph Wright be brought to the Bar, and questioned about this matter.

Motion agreed to.

Mr. John Joseph Wright was brought to the Bar, and, being questioned by the Lord Chancellor, stated, that on Saturday gone a week (as he expressed it), he met Mr. Abbs the Solicitor on the opposite side, in Parliament-street, and that Mr. Abbs said to him, that when the business of the Bill was over, he intended to call upon the witness for an explanation. The witness said, that if he wanted an explanation from him, he had better tell him what it was about. Mr. Abbs replied, that it was about a statement made in a printed paper circulated by the witness and his party among their Lordships. On the following Monday, at twelve o'clock at night, after he had been for some time in bed, he heard a noise at the door of his bed-room, and on his asking who was there, a person answered that he had come to him with a message from Mr. Abbs. He opened the door and admitted the gentleman, who stated that his name was Thorpe, and that he came on the part of Mr. Abbs for an explanation relative to some expressions in the printed statement already mentioned. This printed statement was an answer to a previous statement circulated by the parties supporting the Bill, in which it was stated, that the adverse feeling of the people of Sunderland to the Bill, arose from the misrepresentations of the Solicitors for the parties more immediately opposing the Bill. In the printed statement in answer, which was prepared and circulated by him and his colleague, under the direction of their clients, it was said, that the other party had, in their usual course of misrepresentation, stated, that the adverse feeling of the people of Sunderland arose from the misrepresentations of the opposing party, and it was then denied that such was the fact, and asserted that the adverse feeling of the people of Sunderland to the Bill arose from a conviction that its passing would be most injurious to their interests. Mr. Thorpe asked, on the part of Mr. Abbs, whether Mr. Abbs was alluded to in the passage about misrepresentation? The witness said, that he and his colleague had acted professionally in the business, and by direction of their clients, and that he did not consider Mr. Abbs entitled to any explanation about the matter. He added, however, that he wished that the explanation required should be distinctly stated to him in writing. A copy of a letter from Mr. Abbs was then brought him, requiring an apology or a disavowal as to the misrepresentation. He then required a more exact statement in writing, and to this he received an answer that his request was a mere subterfuge, and Mr. Abbs would expect to hear from him, or something to that effect, but not having expected to be called upon, he had not the letters with him. He had denied the right of any one to call upon him for an explanation of what was done professionally, and by direction of his clients. In answer to this he had been told, that he had no right to shelter himself under his professional character, and there the matter rested for the present.

The *Lord Chancellor:* Did this matter originate from the printed statement circulated among the Lords?—That was the origin of it, as alleged on the part of Mr. Abbs; but he believed the real cause was something which he had thought it his professional duty to say in his address to their Lordships' Committee.

Witness ordered to withdraw.

The Duke of *Richmond* observed, that the witness had spoken only to copies of letters, and did not appear to know of his own knowledge whether such letters were written by Mr. Abbs; and the first step ought to be to summon Mr. Thorpe to attend, that they might get the requisite information from him.

The *Lord Chancellor* concurred in this. In the last case there was a direct and immediate Breach of Privilege committed in the House, and it was therefore a case which required immediate notice. In the present case the Breach was more remote, and it was not committed in the House, and therefore proceedings so immediate were not called for. But if in the meantime, and while the question was pending in their Lordships' House, there should be any further breach committed, it would be a breach of the grossest kind, and one which would call for proceedings of exemplary rigour. But there certainly did exist in the minds of many Members of Parliament considerable doubts whether the circulation of such statements among them was strictly regular or proper, although it was, no doubt, a common practice to circulate such statements among the Members of both Houses. He wished not to be understood as meaning to say, that the irregularity of the practice would be any justification of a breach of Privilege; but it might be proper to take a little time for consideration.

The Marquess of *Londonderry* agreed that there was a difference between the two cases.

The Duke of *Richmond* moved that Mr. Thorpe be summoned to attend at the Bar of the House to-morrow.

Ordered *nem. diss.*

HOUSE OF COMMONS,

Tuesday, July 17, 1832.

MINUTES.] Petitions presented. By Sir GRAY SKIPWITH, from the Leamington Political Union; and by Mr. DIXON, from Eaglesham,—in favour of the Factories

Regulation Bill.—By Lord Howick, from the Workmen of Manchester, for assistance to enable them to Emigrate.—By Mr. Hunt, from Manchester, for an Inquiry into the Manchester Massacre of 1819; and from the Debtors in Horsemonger-lane Gaol, for an Inquiry into the Management of that Prison.—By Mr. Philip Howard, from Carlisle, against the Vagrants (Scotland and Ireland) Removal Bill.—By Mr. Walker, from Bagnalstown and Wexford, against the Punishment of Death.—By Mr. O'Connell, from four Places in Ireland; and by Mr. Walker, from Ballingarry,—against Tithes.—By Lord John Russell, from the different Congregations of Dissenters in and about London and Westminster; and by Mr. Walker, from Enniscorthy,—in favour of the Ministerial Plan of Education (Ireland); and by Mr. James E. Gordon, from Kilmoe; and by Captain Polhill, from the Clergy of Bedford,—against that Plan.—By Mr. O'Connell, from the National Political Union, for assimilating the Irish to the English Reform Bill; and from the Irish Law Society, against the Court of Chancery (Ireland) Bill.

Saluting Don Pedro.] Lord *Ingestre* alluded to the report of Don Pedro's having landed in Portugal, and of the British Commander, Sir Thomas Trowbridge, having saluted him on that occasion, and begged to ask the noble Lord, the Chancellor of the Exchequer, if Sir Thomas Trowbridge had any instructions from Government to salute Don Pedro?

Lord *Althorp* said, that Sir Thomas Trowbridge had been only sent to the Tagus, to protect British subjects in that quarter. He admitted that intelligence had been received from that officer of the landing of Don Pedro; but he had made no mention of firing a salute. Sir Thomas had received positive instructions from Government not to interfere between either of the contending parties, and therefore he did not believe that the salute had been fired.

Inns of Court.—Law Students]. Mr. *Harvey* said, he felt great pleasure at an intimation which he had received, that it was not the intention of Ministers to oppose the Motion of which he had given notice. He should, therefore, spare the time of the House, feeling confident, that if any hon. Member should oppose it, he would be allowed the privilege of reply. The hon. Member then moved, that—"An Address be presented to his Majesty, that he will be graciously pleased to direct the Commissioners appointed to inquire into the state and practice of the Law, to examine into the course of proceedings before the Benchers and Visitors of Lincoln's Inn, Inner Temple, Middle Temple, and Gray's Inn, upon the application of persons seeking to become students thereof, or to be called to the Bar, and to report the evidence thereon, with any special circumstances, to this House."

Mr. Hume seconded the Motion.

Mr. *O'Connell* was desirous of knowing from the hon. member for Colchester, whether the facts stated, relative to the refusal by the Benchers to hear Mr. Youngman, Mr. Rixon, and Mr. Reeves, were correct, or the contrary. These gentlemen had offered to prove to the Benchers the erroneous ground upon which they had proceeded, in the case of Mr. Harvey.

The *Attorney General* said, that as the Motion was now put on a general ground, and as he knew what was the feeling of the House on the former discussion, he should not oppose it. He wished the question to go fairly and unembarrassed before the Crown, and he, therefore, recommended that no further discussion should now take place. He thought it but fair to add, that the leading members of the Bar thought that the power of altogether excluding men from being admitted to an Inn of Court, with a view of being called to the Bar should undergo some examination.

Sir *Charles Wetherell* asserted, that he had never heard a case in which the Benchers of any of the four Inns of Court had been guilty of abusing the power with which they were intrusted. He thought the power ought to be left, as at present, in their hands. They were in the same situation as heads of Colleges, whom it would be most improper to compel to receive students; or Bishops, who ought not to be compelled to institute; or the College of Physicians, or of Surgeons He must say, that he was surprised that the Ministers should concede this Motion; and, as he thought the Benchers ought not to be deprived of their power, he should divide the House on the question.

Lord *Althorp* said, there could be no doubt there must be a discretion somewhere, to admit or reject a candidate for the Bar. In the same manner there must also be a discretion after his admission, in the calling or refusing to call a gentleman to the Bar. The Motion, however, did not go to take away the discretion, but to inquire whether any improper restrictions existed with regard to admission to the Inns, and calling to the Bar. He thought the cases which had been compared to this, were by no means analogous, and he agreed with his hon. and learned friend that the feeling of the House on the former occasion was decidedly in favour of an inquiry of this sort. He should, therefore, offer the Motion no opposition.

Sir *Francis Burdett* thought, that the

question was one of a very simple kind. There was no need of citing cases, or making comparisons. The question was not, whether the rights now claimed were germane to others, but whether they were germane to common sense. At present, the Judges had nothing to do with the matter, and that was the thing objected to, and which it was the aim of this Motion to remove, and in that manner to provide that no man should be condemned unheard. He asserted that there had been cases in which the Benchers had been guilty of abuse; and, without going further, he would mention the case of his intimate friend John Horne Tooke. That was a case in which the greatest possible talent, and the most unspotted integrity of character, availed their possessor nothing against the capricious exercise of the power of a few individuals, who had endeavoured thus to extinguish talent that might have been most advantageously exercised in an honourable and lucrative profession. There had besides been a case that recently occurred, in which the power of the Benchers had been abused. It was against all common sense and common justice that such an arbitrary and irresponsible power should be vested in any set of men; he, therefore, wished to see the subject examined into. He should give his support to the Motion.

Mr. *Pollock* thought the hon. Baronet was wrong in attempting thus to introduce a premature discussion on the subject. He himself was a Bencher of one of the Inns of Court; and he took that opportunity of stating that, in his opinion, an inquiry ought to be instituted, and that part of the present practice ought to be corrected. That part related to the power of refusing to admit to the Inns of Court. He did not understand why any one should be kept from becoming a Member of one of these voluntary societies, without having any power whatever to make an appeal against the decision that excluded him. When an individual was once admitted, and was then prevented from being called to the Bar, the Judges had the power to do so, and would give him a fair hearing. That part of the practice, therefore, might be left as it now was. The other, he thought, should be altered. Under these circumstances he hoped it would not go forth to the world that there existed in the Inns of Court practices that were dishonourable, or a course of conduct that was tyrannical. With regard to the case of Horne Tooke, he could inform the hon. Baronet, that the reason why that Gentleman was refused to be called to the Bar was, that he was at the time a clergyman, or person in priest's orders, and was, as such, incompetent to be called to the Bar.

Mr. *John Campbell* said, with reference to the second case alluded to by the hon. Baronet, he was ready to acknowledge that the refusal to admit in this case was one of which he could not approve. In a free country, every one of a fair character ought to have a right to be admitted; and the practice of excluding him without hearing, and without appeal, was one which ought not to be endured for a moment. He opposed the Motion, because he thought it unnecessary, since the grievance complained of was already well known; but if any one would bring in a Bill to remove that grievance, it should have his cordial support.

Mr. *Cutlar Fergusson* was strongly in favour of the Motion. He took the same view of the subject as the hon. Baronet. In reply to the observation that the Benchers had never abused their power, he begged to refer not only to the individual cases which had already been mentioned, but to a general resolution passed by the Inns of Court, that no Gentleman who had been connected with the Press should be admitted in order to be called to the Bar. Was not that a piece of tyranny? He approved of that part of the present practice which referred the refusal to call to the Bar to the consideration of the Judges; and he should certainly support the Motion for inquiry as to the other part.

Sir *Charles Wetherell* said, that the hon. and learned Gentleman had stated that the Inns of Court had passed a resolution, declaring that no one who had been connected with the Press should be called to the Bar. He could only say, that the Inn of Court to which he had the honour to belong (the Inner Temple), had never to his knowledge passed any such Resolution.

The *Attorney General* observed, that as the parties who did so were all dead, and there was no question now of any acrimonious or personal feeling, but of a mere matter of fact, he thought himself at liberty to say that many years ago such a Resolution was passed at Lincoln's Inn, and had been mentioned in that House by his hon. and learned friend Mr. Stephen.

Mr. *James L. Knight* would not have spoken but for the tone of the hon. Baronet, a tone which was not at all warranted by the facts. It was quite clear that the Motion must be amended; and in order, then, to accomplish the end in view, a new Commission must be issued under the Great Seal. He denied that the power of the Benchers was capricious, or that it had been tyrannically exercised. It belonged to the highest authorities of the law —men of rank and character—and under it the Bar had always flourished; and the most learned Judges had thence been drawn to dispense the law of the land. If a young man applied to be admitted a student and was refused at one Inn, he might resort to a second, to a third, and even to a fourth; and if, after having remained the usual time a student, he wished to be called to the Bar, and the privilege were refused, he had his remedy in an appeal to the fifteen Judges.

Colonel *Evans* rejoiced to find, that there was now a prospect that the matter would be brought to a satisfactory conclusion. He gave his hearty support to the Motion.

Mr. *Hunt* hoped that ultimately a Bill would be brought in to remedy the abuse, for abuse it must be called, when under it such men as Horne Tooke, Wooler, and Mr. Whittle Harvey had been rejected.

Mr. *Goulburn* was of opinion, that a discretionary power ought to reside somewhere, and that it could not be placed in better hands than those of the Benchers of the different Inns of Court.

Mr. *Harvey*, in reply, contended that it was a perfect anomaly to suffer a close and secret court of jurisdiction in England, to which the public had no ingress. It might do very well for Gentlemen who were Benchers, and modestly sung their own praises, to say that there was a power of Appeal to the Judges; but the fact was, that in the instance which had been quoted, the Judges had distinctly refused to hear any witnesses.

The House divided:—Ayes 26; Noes 2—Majority 24.

There not being forty Members present, the Speaker declared the House adjourned.

List of the AYES.

Lord Althorp,
Briscoe, J. I.
Burke, Sir John
Brown, Dom.
Campbell, John
Crampton, P. C.
Denman, Sir T.
Evans Col. De Lacy
Fergusson, R. C.
Forbes, Sir C.
Freshfield, J. W.
Hobhouse, Sir J.
Hunt, Henry
Kennedy, F. F.
Leader, N. P.
Macaulay, T. B.
Pollock, Fred.
Paget, Thos.
Parnell, Sir H.
Russell, Lord John
Ruthven, E. S.
Stanley, Rt. Hon. E.
Torrens, Colonel
Villiers, Thos. H.
Wallace, Thomas
Wason, Rigby

TELLERS.

Harvey, D. W.
Hume, Joseph

List of the NOES.

Gordon, J. E.
Knight, G. L.

TELLERS.

Goulburn, Rt. Hn. H.
Wetherell, Sir C.

HOUSE OF LORDS,

Wednesday, July 18, 1832.

MINUTES.] Papers ordered. On the Motion of the Duke of RICHMOND, a Copy of the Rural Code of Haiti, with Translation of July, 1826.

Petitions presented. By Lord GRANTHAM, from the Clergy of Bedford,—against the Ministerial Plan of Education (Ireland).

BREACH OF PRIVILEGE.—(CASES OF MR. ALLISON AND MR. THORPE).] Lord Cadogan presented a Petition from James Allison, stating that he was sorry for what he had done; that he had apologized to Mr. Wright, and prayed to be discharged.

The Marquess of *Londonderry*, on the understanding that an ample apology was made, with which Mr. Wright was satisfied, did not mean to oppose Mr. Allison's discharge. The petitioner had taken upon himself to state, in a manner which their Lordships must have remarked, that he had dared to pull a person by the nose in their Lordships' House. An ample apology was essential.

Lord *Cadogan:* The petition stated that an apology had been made, and that the petitioner was ready to apologize again. He moved that the petitioner be brought to the Bar, reprimanded by the Lord Chancellor, and discharged, paying his fees.—Agreed to.

Mr. Allison was brought to the Bar, reprimanded by the Lord Chancellor, and discharged.

The *Lord Chancellor* then called the attention of the House to the other case of alleged Breach of Privilege, committed by Mr. Thorpe and Mr. Abbs, and observed, that upon consideration, he thought this a case in which their Lordships were not called upon to interfere. The printed statement, in which the alleged breach originated, was not any proceeding of the House, nor was it a document either laid, or to be laid before the House, but merely a private statement, circulated among individuals, in pursuance of a practice, which was, by many, considered as not very regular. At the same time, he, as a professional man, cautioned both Thorpe and Abbs, against any further proceedings in this matter, for they would consider, that they were liable to be called upon to answer in the Court of King's Bench, and the consequence might be serious to them, with reference to their professional character.

The Marquess of *Londonderry* concurred in this view of the case, and said that Mr. Wright had done nothing but what he was fully warranted in doing, for the interest of his clients, whose case he had conducted with great zeal and ability.

The Order for Mr. Thorpe to appear at the Bar discharged.

Affairs of Greece.] The Marquess of *Londonderry* said, it was with considerable embarrassment that he now proceeded to put the questions to the noble Earl (Grey), of which he had given notice, relative to the proceedings of our Government in regard to the affairs of Greece. He was apprehensive that he might fall under the displeasure of the noble Earl, in putting his questions, as he had often done on former occasions. Whenever he attempted to get information by means of questions, he had been told that he was irregular; that he was disorderly: and that he had made no motions, and entered upon discussions without motions, and that, in short, he was altogether irregular. This was the way in which he had been met, when he endeavoured to get information as to the state of public affairs. But he confessed, that it did seem to him, that he was warranted by what appeared on the Journals, to act as he had done, for he there found that it had been usual to put such questions, and that no one had availed himself more of that privilege than the noble Earl himself when he was in opposition. There was this reason also for questioning the noble Earl, that there never was a government more sparing of the information it gave the Houses of Parliament. That might be, because they had so many weighty matters on their hands, such as their Reform Bills, and all the rest. He, however, had thought it his duty to make inquiries, and although the answers were not always as satisfactory as he could have wished them to be, yet he had gained some information for the public. He had addressed himself to the noble Earl on the subject of the Political Unions, and he had put questions to him, which induced the noble Earl to state his opinion, that they were highly objectionable, and likely to be attended with great mischief; and the noble Earl said, that he hoped the good sense of the people of England would put them down. But these Political Unions were subversive of all good government, and the powers of Government ought to be exerted to put them down. He had questioned the noble Earl also, on the subjects of the proceedings in regard to Belgium, and on that subject he had fortunately gained some information for the public; and yet, even at this day, after all the Protocols that had passed on the subject, the matter appeared as far from being settled as ever. Another advantage, which he had gained by his questions, was the disclaimer on the part of the noble Earl, of all participation or approbation of the vituperative remarks that had been made in another place, on the conduct of our ally, the emperor of Russia. He considered, that in calling forth this disclaimer he had done a great deal of service to the noble Earl himself, at a time when his noble relative was about to proceed to Russia. Had it not been for the observations which his questions had elicited from the noble Earl, there might have been some reason to fear that a *cordon sanitaire* would have been drawn round his mission, and all communication with the Russian authorities prevented. He stated this, merely to show, that however troublesome his questions might have appeared to the noble Earl, he had at least elicited some information by his inquiries. The object that he had in view by the inquiries which he was now about to make, was, to get some further information relative to the proceedings of Government in regard to the affairs of Greece. A rumour prevailed, and, indeed, it had been stated and admitted in another place, that the three Powers, Russia, France and England had made an arrangement, as to who was to be King of Greece, and as to the terms and conditions with which the appointment was to be accompanied. The noble Earl had a great fancy for making kings, and having made a king of Belgium, he was about to make a king of Greece. It had been stated and admitted, that a treaty had been entered into upon this subject, and that this country was to become a guarantee for the third of a loan of 60,000,000 francs, to be advanced to the new king; in other words, had engaged to pay 20,000,000 francs, for the matter would come to that. Taking it for granted, then, that there was some such Convention entered into by the three Powers, he thought it highly desirable that the public should know whether the Convention was confined to the three Powers, or whether our ally, Austria, was a party to the Convention, or approved of it. He wished, therefore, to know from the noble Earl, whether Austria was a party to the treaty, or whether she approved of it; and he wished also to know what benefit Great Britain was to derive from it. It had been said, that it was desirable, with a view to the peace of the civilized world, that Greece should have a regular government; but he wished to know what benefit this country was to derive from setting up a king to reign in Greece, whether the people of Greece were satisfied with the arrangement or not? As for himself, he had always deprecated interference with the affairs of Greece, and had always thought that it would have been better if we had refrained from interference. But times might have altered. He did not know whether Greece was in a disturbed state; but when they had to pay up so large a sum as 1,800,000*l.* in respect of the Russian Dutch Loan, he did not know why we should be saddled with so large an additional sum, for the benefit of this new fancy king. What benefit could this country derive from the arrangement, more especially if Austria was not a party to it? Why was not Austria a party to it? Austria, the only ally with whom we had no points to contest? But the noble Earl appeared to be ready to sacrifice every thing for his *Belle Alliance* with France, from which, perhaps, this country might suffer some damage. The noble Earl had abandoned Austria, Turkey, Portugal, Holland, and, in short, all the ancient allies of Great Britain; and his great endeavour appeared to be to undo all that his predecessors had done. How the project in regard to Belgium had turned out they all knew, and the country had a right to know every thing about this Grecian treaty. He wished to know what advantages the noble Earl expected the country to derive from this new arrangement? The noble Earl had been given to prophesy about the advantages to be derived from the changes that had taken place in Europe, but matters had not always turned out as he expected. In a speech made by the noble Earl, on occasion of the glorious revolution of July, the noble Earl had spoken in high terms of that revolution, and of the advantages to be derived from it. The noble Earl said,—'My 'Lords, if revolution could be rendered 'necessary in any circumstances, it was 'rendered necessary by what I must call 'an unjustifiable attack on the liberties of 'the people. As an Englishman, owing 'the benefits which I at present enjoy to 'a similar measure, similarly provoked, I 'rejoice in the resistance of the people of 'France to the attack upon their liberties; 'and I rejoice in the character of their 'whole conduct, from the first moment 'when resistance became necessary to the 'expulsion of the reigning family. In such 'a cause resistance was necessary, was 'noble, and I cannot conceive a more heart-'stirring scene, than that of a people, en'tering upon so holy a contest, with courage 'worthy of the cause, and using victory, 'when achieved, with such unparalleled 'moderation.'* But what had been the result? Why the result was, that Paris was in a state of siege, that France was upon the point of being revolutionized again, and had been, ever since the event celebrated by the noble Earl, in a continual state of disturbance. He had not, therefore, any great confidence in the noble Earl's creation of kingdoms. He wished that the noble Earl had allowed Europe to remain in the situation in which it was, when he took up the reins of Government. Judging from what had happened, in regard to the interference with the affairs of Belgium, he anticipated no good from our interference with the affairs of Greece. He wished to know from the noble Earl, whether there was any objection to lay on their Lordships' Table copies of the conferences in regard to the affairs of Greece, and a copy of the Treaty with Bavaria on this subject, and of the stipulations in regard to the Loan? In the noble Earl's speech, to which he had before alluded, the noble Earl had strongly advocated the propriety of acting on the principle of non-intervention. The noble Earl said—'No 'man can more regret than I do the sepa'ration of Flanders from Holland; and in 'this view I cannot disapprove of the inti'mation conveyed in his Majesty's Speech, 'if the mediation alluded to, be conducted 'in a proper manner, in concert with 'France, so as to effect a new and amicable 'settlement of the country. But I imagine 'that, after the excitement of the animosi'ties which now actuate the inhabitants of 'the two countries, they cannot again be

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* Hansard (third series), vol. i. p. 38.

'united but by means the most vicious and 'unjust, and by an utter disregard of the 'principle on which it is the duty of every 'country to act—that is, the principle of 'non-interference.'* That was the language the noble Earl had then used, yet had the noble Earl interfered almost more than any other minister whom this country had ever seen, in the affairs of other countries. If the noble Earl wished that his questions should be put on the Journals of the House, he would make a regular motion; but he would prefer it if the noble Earl would please to answer his questions, without calling upon him to make a formal motion. The country at present, was certainly in a most melancholy state, both with respect to the condition of Ireland, and with respect to our relations with foreign countries; and it would be necessary that new abilities and new energies should be infused into the conduct of our Government before matters could be brought into order and properly arranged.

Earl *Grey*: The noble Earl had, as usual, thought proper to preface his present inquiries by a statement of the grounds on which he had been induced to put questions on former occasions, and of the good effects which had resulted from putting these questions, and the noble Earl had complained that on these occasions he had not met with all the courtesy to which he thought himself entitled. He should be sorry, on any occasion, not to treat the noble Earl, or any other noble Lord, with that courtesy which was due to one Member of that House from another, but he had frequently complained that the noble Earl had introduced discussions, on various subjects, without bringing forward any motion; and had asked for explanations which, consistently with a due regard to the public interest, could not be given. These complaints he deemed himself well warranted in making, and he might, without any undue want of courtesy, repeat them on the present occasion. But in venturing to state his opinion as to these irregularities, he hoped that he had abstained from making any offensive personal reflections on any one. It was not his intention to follow the noble Earl through all those topics to which he had thought proper to call their Lordships' attention. The noble Earl had, as usual, deviated from his immediate object, and made various observations about Belgium, and Austria, and France, and Turkey, and Portugal, and Holland, and had ended with Ireland. The noble Earl said, that it would have been better if he (Earl Grey) had left Europe in the same state in which he had found it. But the noble Earl ought to have recollected, that at the time when he came into office the revolution in France had taken place, and the *de facto* separation of Belgium from Holland had happened, or at least had gone so far that it was obviously next to impossible to re-unite them. The Ministers might or might not have acted wisely in regard to these matters, but the evils did in fact exist at the time when they came into office, and ought not, therefore, to be laid to their account. The noble Earl had alluded to a speech of his on the subject of the late French revolution, and talked of the prophecies contained in it. Now he was not aware that in the speech there was a word of prophecy, but he had given his opinion of that great revolution, and nothing more. Whether that opinion was right or wrong, or whether it were wise or prudent to have openly expressed that opinion at the time, were questions on which he did not mean then to enter, he had, however, expressed no sentiment on that occasion, of which he was at present in the least ashamed, and he said no word which he was at all disposed to deny. Such was his opinion then, whether right or wrong, or whether it was wise or prudent to express it, and such was his opinion now. With respect to Greece, which was the subject to which he understood the noble Earl's question more particularly to refer, the noble Earl said, that he (Earl Grey) was very fond of making Kings; be that as it might, with regard to Greece, at least, the example had been set him, and he had only done as had been done before. There was one sentiment uttered by the noble Earl, in which he was disposed to agree with him. The noble Earl had said, that he had deprecated interference in the affairs of Greece from the beginning. That was his (Earl Grey's) opinion, and he had said so at the time. But the interference took place, and the consequence was war with our Turkish ally, the destruction of the Turkish fleet, and the separation of Greece from Turkey. That interference might have been wise, or it might not, but as far as the present Ministers were concerned, they were forced to look at the circumstances as they found them, and endeavour to provide a government for Greece, and to place that country in such a situation as to enable it to preserve peace within its own dominions, and through preserving peace at home, taking away motives and pretexts for breaking the general peace of the civilized world. It was with that view he presumed that the late Government had agreed with the other Powers to place Prince Leopold of Saxe Cobourg on the throne of Greece. It was obvious, then, that if a sovereign was now to be provided for Greece, he must be furnished with the same pecuniary means as were to have been afforded to Prince Leopold in case he had accepted the throne of Greece,and it was only just that Great Britain should now, as then, guarantee one-third of the same sum of 60,000,000 of francs. That was felt to be necessary at the time when the Grecian throne was offered to Prince Leopold, and if so, it was not the less necessary now. The noble Earl had evinced, on various occasions, that he was a diligent reader of the journals of the day, and he therefore must have been aware that the affairs of Greece had fallen into a lamentable state of confusion and anarchy, threatening all those consequences which the past interference was undertaken to prevent; and then the question came to be, whether, considering all the circumstances, it was not the duty of the Government of this country still to rescue Greece from that situation, if possible. The Ministers did think that they ought to endeavour to provide a government for Greece, and he had no hesitation in stating that the choice of the three Powers had fallen on Prince Otho of Bavaria, who had been spoken of in the time of former Ministers. He had no hesitation in stating that a Convention had been entered into on that subject, and that it was correct that a Treaty had been agreed to, containing a stipulation for guaranteeing pecuniary aid to the amount mentioned. By the Treaty, if sanctioned by Parliament, Government had agreed to guarantee the payment of the third part of the 60,000,000 of francs; the other Powers guaranteeing the payment of the rest. Whether that was justifiable or not would be proper matter for discussion when the Treaty and the documents relating to it should be laid on the Table, and the subject brought regularly and properly under consideration. On that subject he need say nothing more at present, than that every possible security had been taken against eventual loss. If peace and good order should be restored to Greece, the revenues of that country were amply sufficient to pay the interest of the debt and the sinking fund for the liquidation of the principal. There was, therefore, very little reason to apprehend any eventual loss, unless anarchy and confusion should continue to prevail in Greece. The question was simply this—whether this country was not bound in justice, considering all the circumstances, to endeavour to establish a government in Greece? Whether the original interference was right or wrong it was in vain now to discuss. However laudable and excellent in themselves the feelings might be which prompted the interference, such feelings did not always form sufficient ground for political measures. The interference, however, had taken place, and was almost universally applauded by all classes; and it did therefore appear to be the duty of this country to rescue the affairs of Greece from the present anarchy and confusion, and attempt to establish a regular government in that country. Did the noble Earl think, that after the stipulations that had been made with regard to Prince Leopold, any other terms could have been adopted on the present occasion, without leaving Greece a prey to anarchy and confusion? He would only add, that the Protocol of the Treaty would be produced, and laid before Parliament, as the Government could not act upon it without the sanction of Parliament; he answered, therefore, that this protocol would be produced; that it would have been produced before, had it not been desirable that all the documents relating to the Treaty should be laid before Parliament at the same time. More he need not say till the papers should be laid before their Lordships; but in the mean time he begged leave to say, that this was no new policy introduced by the present Government.

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* Hansard (third series), vol. i. p. 40.

The Earl of *Aberdeen* wished to make a few observations on the answers which the noble Earl had given. It was true that the late Ministry had made up its mind to propose some arrangement on this subject; but in order to judge correctly of their conduct, it was necessary to see the course of the proceedings, and to attend to all the circumstances connected with it. He at present gave no opinion as to the treaty in question. The best time for that would be when the nature of the stipulations, the security, and the whole subject should come regularly before them. It did not, however, by any means follow, that the present arrangement was good, merely because a similar arrangement had been made before. With respect to the pecuniary aid to be allowed to Prince Leopold, that Prince had lost no time in applying to his illustrious friend for pecuniary assistance, and his noble friend had answered, Great Britain would not afford any pecuniary assistance. But it had been agreed that it was necessary that the Prince should be supported by a military force from some foreign country, and it was soon felt that to furnish a British force for this purpose would be liable to strong and well-founded objections. It was felt, that it would be inconvenient to send a British force to act with French and Russian troops in this service, and it was resolved that a loan should be negotiated to enable the Prince to provide Swiss troops, or the troops of some other foreign country; and it was proposed to guarantee a loan for this purpose to the amount of 500,000*l.* This, however, was objected to on the part of the late Government, but before the matter had been finally decided upon, the Prince went to Paris, and there agreed with France and Russia for a loan of 60,000,000 of francs, which the three Powers were to guarantee each to the extent of a third. On these terms the Prince insisted, and on his intimating that he would not accept the government of Greece without this sum, and when his adhesion to the agreement was found absolutely to depend upon the concurrence of the Government of this country in these terms, the Ministers most reluctantly assented, in order to deprive the Prince of any pretext for refusing to fulfil his part of the arrangement. They therefore declared their intention, but there was no treaty, and no stipulation; and he had little doubt, even then, that Prince Leopold would find some other opportunity of breaking off the negotiation. These suspicions were unfortunately well founded, and the letter of Count Capo d'Istria afforded the Prince the pretext which he wanted; of that he immediately availed himself, and the Ministers were deprived of the advantage of placing one who might be considered as a British Prince on the throne of Greece. But after these transactions with Prince Leopold, they had declared that they were perfectly clear of the whole affair, and that they would give no pecuniary assistance in any arrangement that might be subsequently adopted, unless the prince to be chosen to fill the throne of Greece should be completely and entirely satisfactory to Great Britain. He could not consider that the choice of Prince Otho of Bavaria was satisfactory. The former Ministers had made no proposal with respect to him, for he was at that time a minor, not more than fourteen years of age, and it was considered that if he were appointed, he would for some time require constant superintendence. The minority of the Prince must necessarily perpetuate the interference of the three great Powers; an interference, the advantage of discontinuing which as soon as possible must be generally acknowledged. One objection to Prince Otho, therefore, was his youth. Another was, that he was a Catholic. That appeared to his Majesty's late Government to be a circumstance very injurious. Their Lordships were, perhaps, aware that only about a fifth, or a sixth of the population of Greece were Roman Catholics. Their Lordships were also perhaps aware, that the hostility of the Greek Church to the Roman Catholics was greater than its hostility to Turks or to Jews. It was, therefore, the opinion of his Majesty's late Government, that the circumstance of Prince Otho's being a Catholic was one which much increased the objection to his being selected. Being a Catholic, he could not without endangering his salvation, in the opinion of all Catholics, change to Protestantism, and it was evident that his religion would be opposed to that of the great majority of his subjects. He professed himself at a loss to understand why his Majesty's Government had not settled this question eighteen months ago. They were now, however, about to send this Prince, still a minor, to Greece. How, under such circumstances, the Government of that country was to be conducted, he knew not; but it was manifest that it must be by a continued interference on the part of the three great Powers, an interference which, he repeated, was deprecated on all sides, and ought to be terminated as soon as possible.

Earl *Grey* could have wished that the noble Earl had manifested the same abstinence in relation to other parts of the question, as he had displayed with respect to the guarantee for a loan to the new sovereignty of Greece. If there wanted anything to show the inconvenience of discussions like the present, it was to be found in the conduct of the noble Earl, who had very inappositely gone into all the objections to the selection of Prince Otho. It would not be proper for him (Earl Grey) to take that occasion to go into the motives that had determined the choice of the allies. The noble Earl opposite would not deny the difficulty of the subject; it would seem that the late Ministry felt all its difficulties, and had not been able to fall on any plan, as far as he was aware, after Prince Leopold had declined the sovereignty of Greece, to place a monarch on the throne of that country, though a considerable time elapsed between Prince Leopold's refusal and their own retirement from office. He did not deny, that there might be objections and difficulties as to the present selection —the minority of the Prince was one difficulty—but the question was, whether, in a choice of difficulties, Government had not taken the best course. He must express his deep regret that the noble Earl could not abstain from throwing out a reflection against an illustrious personage, now at the head of the Government of a neighbouring nation — a reflection, too, which he would take upon himself to say was equally unmerited and unjust. The noble Earl said, that it mattered not whether the difficulty relating to pecuniary succours had been overcome or not, because he thought Prince Leopold would easily find other modes of escaping from his engagement. He could take upon himself to state, from some knowledge of the facts, but more from personal knowledge of the character of the distinguished individual alluded to, that it was impossible he should have so acted. It would appear rather an extraordinary ground of vindication, if the noble Earl should now say, that when he and his noble colleagues agreed to the pecuniary guarantee, they did so because they were sure it would be rejected. The noble Earl said, that the pecuniary guarantee was to be in lieu of military assistance; but, if he recollected right, it was in order to raise funds for the general aid and establishment of the new Government. Further, if he did not quite forget, this was not a mere proposal, as the noble Earl now wished to have it believed, but there were actually articles agreed on as to the particulars of the loan. He also thought, that the limitation of the loan to military succours had been objected to, and that it was allowed that it should be applied generally to the support of the Government, which was, indeed, only reasonable. He had merely to add, that, when the treaty came under consideration, he should be prepared to argue, that assistance was more required at present, in behalf of any government to be formed in Greece, than it was when the noble Earl and his friends consented to grant it.

The Marquess of *Londonderry* observed, that the noble Earl had not said whether Austria was a party to the treaty. He must even express his intention of opposing the guarantee, whenever the subject should be brought under the consideration of the House.

The Duke of *Wellington* admitted, that the late Government did acquiesce in a guarantee for a pecuniary loan to Greece, on its being made a *sine qua non* by Prince Leopold; but added, that at the time this was done, a notion was entertained that the Prince would not accept the appointment which he had consented to take, and which, indeed, he had previously expressed himself anxious to obtain. A further correspondence took place as to the loan, and when Ministers had agreed to his terms, Prince Leopold produced a letter from Capo d'Istrias, and upon its contents refused the office. He had no wish to throw any imputation on the Prince, but there were the papers for anybody to read, and convince himself of the fact now stated. The late Ministers were no parties to the selection of Prince Otho; on the contrary, he was a person to whose appointment they had objected, as appeared on the face of the protocols, and the objection on the ground of his minority existed at the present moment, though not to such an extent as it did, a year and a-half having elapsed since it was first made. He objected to the arrangement, because the interests of this country were essentially altered in the Mediterranean. His Majesty had essential duties to perform in the Adriatic. When he saw France remaining in possession of Algiers, notwithstanding the provisions of a treaty, and when he saw what was done at Ancona, he must say, that the interests of this country had been grossly neglected in that quarter.

The Earl of *Haddington* did not mean to enter into the question of a sovereign for Greece, for the discussion of which he was not qualified; and if he were, that did not appear to him to be a fit time to discuss it.

He would confine himself to one topic, which had been incidentally introduced. However they differed on other points, noble Lords on both sides of the House had concurred in condemning the policy which dictated the original interference with the affairs of Greece. He had waited in the hope that some member of Mr. Canning's Administration would have vindicated his memory from that charge. But as that had not been done, he rose to say, that, in his humble opinion, if ever there was an interference justified by considerations of sound policy and humanity, it was the interference with the affairs of Greece embodied in the Treaty of the 6th of July, 1827; and that if there still existed any hope of a final and satisfactory arrangement of the affairs of Greece, that hope owed its existence to the interference to which he had adverted.

Viscount *Goderich* did not think he could be fairly charged with a dereliction of duty, or an omission of respect for the memory of Mr. Canning, because he had not risen to vindicate the policy of that lamented statesman, at a moment when the question as to the policy of the Treaty of the 6th of July was not before the House. At a proper time and occasion, he should be always ready to defend the policy of that treaty, and he had frequently declared his willingness to do so. No fault could be found with his noble friend at the head of the Government, for stating that he had disapproved of the interference originally, it being necessary to his argument to mention the fact.

Earl *Grey* said, with regard to the state of things in the Mediterranean, that would be a proper subject for discussion when the question came fairly before the House; but it could not be expected that he should enter into it at that time. He might observe, however, with respect to any inconvenience supposed to result from the occupation of Algiers by the French, that the fault was not attributable to the present Government. But probably noble Lords would find that there existed no foundation for their fears. They had heard, that a French army once in Belgium would never retire; but noble Lords were mistaken—it did retire. The noble Duke said, that the French had entered into an engagement to evacuate Algiers [the Duke of Wellington expressed his dissent], he certainly understood the noble Duke to say, that France remained in possession of Algiers, notwithstanding the provisions of a treaty. He certainly had not been able to find any engagement, or treaty, to evacuate Algiers in an authentic form. If such a document existed, he would thank the noble Duke to point it out. As to Greece, whatever might be the inconveniences of interference, now that we had commenced, the evil would be much greater if we abandoned further interference, and allowed the matter to fall into the hands of some other country.

The Duke of *Wellington* explained, that he had said, that the French government had entered into certain engagements on taking possession of Algiers, which engagements it had not since performed. The news of the taking of Algiers arrived a few days after the Paris Revolution, and the late Government had no opportunity of requiring the fulfilment of the engagements, but that there were such engagements to us and other Powers he could prove.

The Earl of *Aberdeen* added, that the French revolutionary government had agreed to fulfil those engagements.

HOUSE OF COMMONS,

Wednesday, July 18, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Portman, various Returns relative to the Court of Hustings, London, its Duties, Jurisdiction and Fees.—On the Motion of Colonel Sibthorp, Accounts of Persons admitted into the public Hospitals afflicted with Cholera Morbus.

Bills. Read a third time:—Tithe Prescription.—Read a second time:—General Registry; Tithes Composition (Ireland).

Petitions presented. By Mr. John Lumley, from Nottingham;—by Mr. William Brougham, from St. Mary's, Rotherhithe; and by Mr. George Vernon, from Chesterfield,—against the Vagrants (Scotland and Ireland) Removal Bill.—By Mr. Hope, from Cupar.—against the Factories Regulation Bill.—By Mr. Mullins, from Castle Gregory; and by Mr. O'Connell, from Dublin County,—for the Abolition of Tithes.—By Mr. Tennyson, from Dealers in Drugs, Drysalters, and Chemical Manufacturers,—against the Customs' Duties.

Case of Sir A. B. King.] Mr. *O'Connell* asked if Government had taken the arbitration in the case of Sir Abraham Bradley King into consideration?

Lord *Althorp* said, that in moving the Order of the Day for the House resolving itself into a Committee of Supply, he wished to put a question to the right hon. Gentleman opposite. The House was aware that the case of Sir Abraham Bradley King had been referred to the arbitration of two persons by the late Government, but he understood that they nevertheless would not feel themselves bound by the decision of the arbitrators. Now he wished to know from the right hon. Gentleman if he considered that the late Government would have been bound by the award, for if so, he should consider himself bound by it?

Mr. *Goulburn* said, that at first, he had objected to the reference proposed, but had afterwards changed his opinion, and in agreeing to the arbitration, had appointed an officer belonging to the Government to watch its interests. In reply to the noble Lord, he had to say, that if he had remained in office, he should have felt himself bound by the decision of the arbitrators, and would have recommended the House to pay the sum specified.

Mr. *O'Connell* said, that Lord Leveson Gower had stated to him, that the Government was bound to pay the award, and that, if in office, he would have resigned if the payment was refused.

Sir *Robert Peel* said, the conduct of his noble friend would have been perfectly correct. The Government would have been bound by the decision.

Lord *Althorp,* though he originally entertained a different opinion, now thought that the present Government was bound in honour to abide by the decision of the arbitrators.

INNS OF COURT LAW STUDENTS.] Mr. *D. W. Harvey*, after referring to the subject of admission to the Inns of Court, which had formed a part of the discussion last night, wished to know if it would be necessary for him again to bring his motion in form before the House?

The *Attorney General* said, that it was within the power of the Crown to recommend to the Law Commissioners the consideration of the subject alluded to. He was confirmed in this opinion by that of his hon. and learned friend, the member for Huntingdon, who was at the head of that Commission. The discussion of yesterday would probably direct their attention to the subject, but if it should not, he had no hesitation in saying, that he should advise the matter to be recommended to their consideration.

CHOLERA MORBUS.] Colonel *Sibthorp* wished to know whether the right hon. Gentleman would have any objection to lay upon the Table the papers in his possession relative to the existence of Cholera?

Sir *Robert Peel* said, that there were rumours about town that the Cholera was becoming prevalent,

Mr. *Poulett Thomson* knew that there were rumours of such a nature, but he was happy to be able to say, that they were very much exaggerated. From the best accounts he had been able to obtain from the Central Board of Health, there were not more than from thirty to forty new cases daily throughout the whole of London and its neighbourhood, and that the deaths amounted from twenty to thirty. He had no objection to give the hon. Member past returns, but he thought that there would be no advantage in issuing daily bulletins, as if the cholera were really prevalent as a disease here. The result of such a publication would be, to put the whole trade of this country under restrictions with regard to the south of Europe; and he did not think that circumstances at all required such a sacrifice. Undoubtedly, if the port of London was in a state in which the cholera was at all prevalent, there would be an absolute necessity to state the fact to the world, but such was not the case. There were no cases in the hospital ship, or in the hospitals on the shores of the river. He had had communications, which showed that the cholera was in existence in some parts of the back portions of the Metropolis, but, that what was properly called the Port of London, was by no means under the influence of the cholera. If the hon. Gentleman wished, for his own satisfaction, to see the Returns, he would have no objection to shew them to him, but he could not consent to their being published.

Mr. *Goulburn* said, that the medical men in distant parts of the country complained that, from the want of this information, which the Board of Health and the Government alone could give, they were without that knowledge of the disease which might be communicated to them, and the want of which would leave them to make experiments that a knowledge of the disease would render unnecessary.

Mr. *Poulett Thomson* said, that there was a publication called *The Cholera Gazette*, which he understood had a very extensive circulation, and which contained a statement of the cholera cases.

Mr. *Goulburn* thought, that would sufficiently remedy the evil of which he complained.

Colonel *Sibthorp* observed, that there had appeared in the public papers a statement directly contrary to that made by the Board of Health. He hoped that the right hon. Gentleman would pay his best attention to the subject.

GOVERNORSHIP OF LONDONDERRY FORT.] Mr. *Dawson* said, he wished to call the serious attention of the House to the subject of the salary paid to the Governor of Londonderry Fort for doing nothing whatever, and which money, he thought, might be appropriated to a purpose of public benefit. The motion which he intended to submit to the House on this subject was, "That an address be presented to his Majesty to release the Irish Society from that part of their charter, which obliges them to pay 200*l.* a-year, and the rents of certain lands, to the Governor of Londonderry and Culmore forts, on condition of their applying those sums to the building of a stone bridge over the river Foyle, or any other improvement in that district." At present the Governor of Londonderry and Culmore Forts, who had really nothing to do, for the office was an entire sinecure, received his salary partly from the Crown, and partly from the Irish Society. He received 318*l.* a-year of the public money by an annual vote of that House; 200*l.* a-year from the Irish Society; and he was also invested by the Irish Society with the property of certain lands about Culmore, producing an annual income of from 600*l.* to 700*l.*; so that the whole of his income amounted to very nearly 1,200*l.* a-year. He would now inform the House of the purpose for which the Irish Society had been empowered to grant these sums of money to the Governor of Londonderry Fort. This society existed in the town of Derry, and had been incorporated by charter in the time of James 2nd, and had been put in possession of almost the whole of Londonderry, with this condition, that they should manage their estates for the civilization and improvement of that part of the country. But besides the improvement and civilization of the country, King James had another object in view, and that was the protection of the Protestants who had settled in the county of Londonderry; and he therefore appointed an officer, under the title of Governor of Londonderry and Culmore Forts, to watch over the safety of the Protestants, and directed the Irish Society to give him a stated yearly salary for the performance of that duty. But, whatever services this officer might have rendered to the inhabitants of Londonderry in former times, at present he undoubtedly did no service at all. The soldiers were not placed under his command, and he was never looked to by the people for any protection. Such being the case he proposed to appropriate the money now paid to the holder of this sinecure office, to the purpose of defraying the expense of building a stone bridge over the river Foyle. At present, the only means of communication between the counties of Donegal, Tyrone, and Londonderry, was an old wooden bridge, for the privilege of passing over which very heavy tolls were exacted from the people; and he did not know of a greater benefit that could be conferred on the inhabitants of those counties, than the erection of a stone bridge, free of toll, without the expenditure of a single shilling of the public money. He could not imagine what objection could be made to the motion which he proposed, except that it might be urged, that the abolition of this sinecure would be taking away a means of rewarding such men as had distinguished themselves in the military service of their country. Though he admitted that there was some weight in this objection, still, as these funds had been given to the Irish Society for the specific purpose of introducing civilization and improvement into that part of Ireland, the people had a just right to expect that the money should be employed for the advantage and benefit of the district, in preference to being paid to any officer, however distinguished or meritorious. The noble Lord opposite (Lord Althorp) had pledged himself to the abolition of all sinecures, and he was now called upon, in fulfilment of his own pledge, to do away with this sinecure office; and the Government, who had expended vast sums of the public money in the improvement of the southern part of Ireland, were bound in fairness to assist in forwarding an undertaking which would prove highly advantageous to the northern part. The people of the north of Ireland were particularly entitled to the consideration of Government, for while the southern parts of Ireland had broken out into a state of insurrection, they had continued peaceable and obedient to the laws. He understood that it was intended to give the office of Governor of Londonderry Fort, which was now vacant, to an hon. and gallant Officer, a Member of that House (Sir J. Byng), and he most readily admitted that, if the office were to be continued, that hon. and gallant Officer fully deserved to receive such a reward. But he certainly did not expect that the hon. member for Middlesex would vote for the continuance of that sinecure. He did not know how the hon.

Member behind him (Mr. Hume) would vote; for he had confessed, that on the division on the Russian loan, he would vote that "black was white." But he supposed that he should have the support of the other hon. member for Middlesex (Mr. Byng), for he did not believe that that hon. Member had solicited Government to give this sinecure situation to his gallant relative.

Lord *Althorp* said, it was true that he had stated himself to be opposed to all useless sinecures: but he had never expressed an opinion that those offices which afforded the means of rewarding distinguished and meritorious military officers were useless sinecures. The granting of such situations to undeserving individuals was not certainly to be justified; but he thought that they were, when properly disposed of, most useful and beneficial. He had no doubt that the present Motion would be very popular with the Corporation of Derry. They would, no doubt, be highly pleased to be relieved from the payment which they were bound to make to the Governor of Londonderry Fort, but he thought that the House would be of opinion, when they recollected all the circumstances of the loan of money which was made to the Corporation of Derry for building a bridge over the river Foyle, that that Corporation had not any very strong claims on their consideration. He should hardly have believed it possible that the right hon. Gentleman (Mr. Dawson) would, in his peculiar situation, have stood up in that House, and made the present proposition. The object of it was too clear to escape the notice of any person—it was to gain popularity in that part of Ireland; and he could not avoid again expressing his astonishment that the right hon. Gentleman should have put himself forward in the matter. It was not a public benefit that was sought to be obtained, but only the advantage of a particular district and town, and, in his opinion, it was impossible for the House to support the proposition.

Mr. *Hume* had heard with great regret the statement made by the noble Lord, that such places as the one under discussion ought not to be abolished. How could any reduction in the expenditure of the country be effected, unless the expenses of the military establishments were cut down? He thought it would be far more honourable for those officers who were entitled to rewards, to come before that House and receive them from the people, instead of drawing incomes from sinecure offices. His vote on the question of the Russian loan had been commented upon by the right hon. Gentleman. He begged to inform the right hon. Gentleman that he voted against that motion, because he believed that it was brought forward from factious motives, and not from any desire to benefit the public.

Mr. *Byng* said, that the right hon. Gentleman (Mr. Dawson) was quite right in stating that he had not applied to give this sinecure office to his brother; though, had he followed the right hon. Gentleman's advice, which he was not in the habit of doing, he should have made such an application; for the right hon. Gentleman had frequently told him, out of the House, that he would not be acting like a brother, if he did not try to get the situation for his hon. and gallant relative.

Mr. *John Fane* supported the Motion. The hon. member for Middlesex, whom he had no wish to resemble, displayed his love of economy in the saving of sixpences, while the economy of saving millions was far above his care.

Mr. Alderman *Venables* contended, that the bridge over the Foyle was an object of great importance, and said that he would vote for the Motion. He could assure the House that the Irish Society was disposed to do all in its power to promote the object for which it was instituted—the benefit of Ireland. The office in question ought, in his opinion, to be abolished.

Sir *Henry Hardinge* rose for the purpose of supporting the same principle out of office which he had always maintained while in. He thought these offices ought to be maintained for the purpose of rewarding officers who had well served their country. He was not a little surprised at finding his right hon. friend (Mr. Dawson), who had always supported him in this principle through thick and thin while in office, now bringing forward a motion inconsistent with all his former votes. His right hon. friend had formerly declined to vote with the hon. member for Middlesex when he attacked these military rewards for past services, and he was sorry to see him now pursuing a course so inconsistent with his then conduct. He thought the suggestion of the hon. member for Middlesex, as to officers coming to that House for rewards very unconstitutional, for it at once took the power of rewarding merit out of the hands of the Crown. Besides, if they were to come to that House for rewards, it would be opening a door to endless intrigue to procure them by their interest with individual Members.

Motion negatived.

SUPPLY—MISCELLANEOUS ESTIMATES (IRELAND).] On the Motion of Lord Althorp, the House resolved itself into a Committee of Supply.

Mr. *Spring Rice* said, that he would propose no vote which was likely to occasion discussion.

Several votes were agreed to.

In moving that 8,807*l.* as the charge of the office of Vice-Treasurer and Teller of the Exchequer in Ireland,

Mr. *Spring Rice* took occasion to state, that the sum which had been due from Sir George Hill, the late Vice-Treasurer of Ireland, to the Government, had all been paid up.

On its being proposed to grant a sum of 24,937*l.* to defray the expense of the police and watch establishment of the city of Dublin, for five quarters, from the 31st of December, 1831, to the 31st of March, 1833,

Mr. *Hume* said, that in this grant was included the sum of 1,600*l.*, paid to the Recorder of Dublin, in addition to 1,200*l.* paid him by the corporation of that city. As he understood that the Recorder was not bound to attend to his duties in person, he did not think the House was bound to pay him. He did not think the hon. Recorder could be in his place in that House, and discharge his duties as Recorder at the same time. He should therefore move, as an Amendment, that the gross sum be reduced by the amount of the sum paid to the Recorder.

Mr. Hunt supported the Amendment.

Lord *Ingestrie* said, that his hon. colleague had not neglected any of his judicial duties in attending that House.

Mr. *Crampton* would not enter into the question, how far the duties of a Recorder were compatible with a seat in that House; but he would say, that the Amendment, if carried, would not effect the reduction of the salary of the Recorder, as that salary was paid under an Act of Parliament, which allocated it upon this grant.

Colonel *Evans* supported the Amendment. It was impossible, he thought, that individuals who had important public business could attend to that while they were busy in Parliament.

Mr. *Warburton* suggested to his hon. friend, the member for Middlesex, to withdraw the Amendment, and to move to-morrow for leave to bring in a bill to prevent the Recorder of Dublin from sitting in any future Parliament.

Mr. *Hume* agreed to withdraw his Amendment; but stated, that he would take an early opportunity again to bring the subject under the consideration of Parliament.

Original Motion carried.

PARLIAMENTARY REFORM—BILL FOR IRELAND—THIRD READING.] Mr. Stanley moved the third reading of the Reform of Parliament (Ireland) Bill.

Bill read a third time.

Mr. Crampton proposed two clauses, for the better regulating the mode of registration, which were agreed to, and added as riders to the Bill.

Mr. Mullins moved the addition to the first clause of a proviso to the following effect:—That the lessee claiming to register shall not be disqualified by reason of any abatement made by the lessor, of the amount of rent payable by the said lessee for the lands or tenements out of which he shall so claim to register, provided the rent payable by said lessee for said lands or tenements, after such abatement, shall not be less than a solvent and responsible tenant could afford at the time to pay for the same."

Mr. *Crampton* assured the hon. Member that the Bill as it stood would effect all the purposes of his Amendment.

Amendment withdrawn.

Mr. Mullins then moved the insertion of a clause to the effect, "That joint occupiers of lands or tenements in counties, shall be entitled to vote in the election for counties, in case the clear yearly value of such lands or tenements shall be of such an amount as, when divided, shall give a beneficial interest of not less than 10*l.* for each and every occupier."

Mr. *Stanley* opposed the clause as uncalled-for and unnecessary. It was also much too important to introduce at that stage of the measure.

Mr. *Mullins* wished, that the laws which affected the 40*s.* freeholders should be done away with, as they had been disfranchised.

Mr. *Crampton* suggested, that the best way for the hon. Member to accomplish his object was, to move to repeal the Act of 1823.

Mr. *Ruthven* supported the Motion. He did not see why the restrictions laid on the 40*s.* freeholders should be extended by this Bill to other freeholders. His hon. friend had, he thought, no other alternative than to press his Motion.

Clause negatived.

Mr. Jephson moved a clause for the division of the larger counties into districts for polling.

Mr. *Stanley* opposed the clause, which was, in fact, a species of new bill. He was convinced, that the additional legal agency which would be rendered necessary by the operation of the clause, would create more expense than would be incurred by bringing the voters immediately to the ordinary place for polling. It was assuredly too late, on the third reading of the Irish Reform Bill, to discuss the propriety of a clause which was at variance with the provisions of the English and Scotch Reform Bills.

Mr. *Power* supported the clause, which would, in his opinion, have the effect of reducing the election expenses at least by one-third.

Colonel *Perceval* was inclined to think that it would increase the expense, for if such facilities were given, not only the voters, but their friends and families, would proceed to the polling places before the election began, and stay there until it was finished.

Clause withdrawn.

On the Motion of Mr. Stanley, several verbal amendments were agreed to.

Mr. *Leader* wished to change one word in the Bill, the word "ten" to the word "five," or, in other words, to make a 5*l.* qualification in boroughs instead of a 10*l.* qualification. He had often heard Gentlemen express anxiety to know what was required to tranquillize Ireland. He had always stated in answer, that the two grand requisites were Parliamentary Reform and Church Reform. It behoved them, therefore, to make the Parliamentary Reform as complete as possible. The county qualification had been much improved by giving leasehold property its due weight. Under the present system, Ireland had 100 Members, and the sixty-four county Representatives were returned by a large constituent body, ten others were returned by cities having a popular constituency, and eight from open towns, which, with a member for the University, would make in all eighty-three Representatives returned to Parliament by the voice of the people. In truth, at the present moment, there were only seventeen boroughs in Ireland to which it was necessary that Reform should be extended, and of these there was little doubt that popular exertion would have emancipated at least seven. With respect to the remaining ten nomination boroughs, there was no doubt that the proprietors would have gladly surrendered their monopoly on receiving 15,000*l.* each, which was the standard of value fixed at the Union. He mentioned these circumstances to show how small was the boon which Ireland was to receive. She should not be put off by a miserable bit-by-bit Reform, if the people were to be satisfied, but the constituency of the towns should be so extended as to render the electoral body perfectly independent. If that result could not be obtained by the 10*l.* qualification, the qualification should continue as it was settled by statute, in the cases of Newry, Downpatrick, Dungannon, and other places. He would take Belfast out of the number of boroughs, because its wealth and commercial importance gave it a sufficient constituency. But what were the circumstances of the other twenty-four towns? It appeared, by the official returns on the Table of the House, that they possessed a population exceeding 200,000 inhabitants, that the number of houses exceeds 32,000, and that the number of rate-payers was more than 18,000; and yet the whole of the constituency of these twenty-four towns would not, under the Bill, exceed 7,500. That was a mere mockery of Reform, which would never content the country; and of what value would be Reform if it did not inspire confidence and fill every heart with exultation and gratitude. Was it possible that these towns could possess an independent constituency when it was so limited? In Athlone, the number of electors would be 220; in Coleraine, 188; in Bandon, 240; in Portarlington, 185; in New Ross, 246: in Cashel, 200: in Mallow, 200; in Ennis, 250; in Downpatrick, 220; and in Dungannon, 210; making for ten towns a total of 2,159 electors. These were indisputable facts, and, under such circumstances, was it unreasonable to call for a 5*l.* constituency, in order to extend the suffrage? He would enter into no comparison besween the two countries; what was attainable in England could not be accomplished in Ireland; the one was a wealthy nation; and if the qualification was large, the means of the people were proportioned to the amount. The qualification proposed, however, was too high for Ireland, and the day of election would not be a day of exultation and joy to the people, who were precluded from becoming co-partners in the advantages of the Reform which had been obtained for the other partners of the empire. He moved, that the word "ten" be left out, and the word "five" inserted instead thereof.

Mr. *Hume* seconded the Amendment. An equally substantial Reform ought to be given to Ireland as well as England. The proposed amendment, looking to the circumstances of the two countries, would not do more than place Ireland on a level with England, and he, therefore, should support the Amendment.

Mr. *Stanley* said, that his Majesty's Ministers had proceeded in this instance, with regard to Ireland, precisely on the same principles as they had acted upon with regard to England and Scotland, in their respective Reform Bills. An uniform constituency was established throughout the three kingdoms, which was one of the great objects of the Reform measure. If the hon. Member had shown that the number of 10*l.* householders in the towns of Ireland was smaller in proportion than in the towns of England, he would have established something of a case, though not a sufficient one to justify the House in departing from the uniform rule which had been applied to the whole empire. He had taken some pains to inquire, and he found that the number of 10*l.* houses in the towns in Ireland, was as large as in the English boroughs. The assertion of the hon. Member who brought the question forward, that the Bill made no addition to the borough constituency of Ireland, was really monstrous; for every one knew that, at the present moment, the Irish boroughs possessed no constituency whatever. It was true, that in some of the boroughs, the constituency, under the Bill, would not be very large, but it would bear the same proportion to the whole number of houses as it did in England, and Scotland. He would prove that to the satisfaction of the House. The boroughs in schedule C of the English Bill possessed 142,000 10*l.* houses out of 369,000, or about two in five. In the boroughs contained in schedule D, the number of 10*l.* houses was 16,000 out of 60,000, or one in four. In the smaller places of England, the number of 10*l.* houses was only 6,000 out of 29,700, or about one in four and a half; whilst, in the small boroughs in Ireland, the number of 10*l.* houses was 10,075 out of 32,500, or one in three. In this respect, therefore, Ireland possessed an advantage over England. In the larger places, however, the advantage which Ireland obtained was still more manifest, In Dublin, for instance, out of 19,000 houses, 16,000 would qualify their inhabitants to vote under this Bill. Could it then be said, that the Ministers had not done justice for Ireland? It was very easy for the hon. Member to talk of satisfying the people of Ireland. He would take upon himself to assert, that the main body of the people of Ireland would be satisfied with the measure proposed. They were bound to do justice, and to give fair play to Ireland; but when claims were made for Ireland which had not been conceded to England and Scotland, they would betray their duty if they were to yield to them. He opposed the Motion.

Mr. *Hunt* said, that Ireland had been as fairly dealt with in this instance as England and Scotland.

Mr. *Leader* stated, that he should not trouble the House by dividing.

Motion negatived.

Several other verbal amendments were then agreed to.

In answer to a question from Mr. Lefroy, with reference to the registration, so as to confer a right of voting for the University of Trinity College, Dublin,

Mr. *Crampton* said, that under the statute, the Vice Chancellor possessed the power to appoint Commencements at any time he might think fit, for the purpose of conferring degrees so as to be in time to give a right to vote.

Mr. *Jephson* said, that he much doubted the accuracy of this statement by the hon. Gentleman, the Solicitor General for Ireland, and, therefore, it was, that he thought that means should be taken in this measure to put the question beyond doubt.

Bill passed.

HOUSE OF LORDS,

Thursday, July 19, 1832.

MINUTES.] Bill. Read a third time:—Mangel Worzel Distillation.

Petitions presented. By Lord SUFFIELD, from Yeavely, against Slavery.—By the Earl of RADNOR, from seven Places in Ireland, for the Abolition of Tithes.—By the Earl of FINGALL, from Rathfeigh and Skreen,—in favour of the Ministerial Plan of Education (Ireland).

PARLIAMENTARY REFORM.—BILL FOR IRELAND—FIRST READING.] The Reform of Parliament (Ireland) Bill was brought up from the Commons by Mr. Crampton and others; and read a first time, to be printed.

Viscount *Melbourne* moved that the Bill be read a second time on Monday next.

The Duke of *Cumberland* suggested to the noble Viscount, that the second reading should be deferred beyond that period, as several Irish Peers who desired to deliver their opinions on the Bill were absent and could not have notice in sufficient time.

Earl *Grey* thought that the time was sufficient for every requisite notice. The Bill might be printed and circulated by Monday, and if it were not, the second reading might be then postponed.

The second reading fixed for Monday.

TONNAGE DUTIES, ENGLAND AND FRANCE.] Viscount *Strangford,* seeing the noble President of the Board of Trade in his place, was desirous to make some observations on the arrangement which had been made with the French Government on the subject of the reciprocal tonnage duties of both countries, and to obtain some information from the noble Lord respecting that arrangement. He was glad that the arrangement had been at length effected, although the progress to its conclusion had been so very tardy. Still he believed, that the British shipowners would feel extremely obliged to the noble Lord for the arrangement, although it was not altogether satisfactory. The reduction in the duties payable by British vessels in the French ports was not so great as we were entitled to; and then it was worthy of consideration, that owing to the delay which had taken place in coming to a final arrangement, British vessels had been obliged to pay 200,000*l.* in the ports of France more than they would have done if the arrangements had been promptly concluded. The French in our ports paid only 7*d.* or 8*d.* per ton, which was only about one half of what we paid in the French ports, and this, too, with a treaty of reciprocity staring us in the face. He admitted that the reduction of the duties payable by British vessels in French ports to 1*s.* 3*d.* per ton was a very great advantage, and yet the payment by us of 50 per cent more than the French paid was rather too much. The French, too, had a great advantage from our light-houses on the coast; and this was a benefit which British ships had not on the French coast. He was not, however, disposed to quarrel with the arrangement, if we had value for our money. But from Ushant, on the French coast, to 120 miles distant, there was not a single light, though the coast was for seamen an extremely dangerous one, perhaps as dangerous a one as was to be found, and a great many British ships had been consequently wrecked. He had a letter from a gentleman who had resided for a short time at Morlaix, and he said that during that time thirteen British ships had been wrecked on that coast. The French paid for nothing for which they did not receive a full equivalent advantage, while our payments were a pure tax. The arrangement, however, was, on the whole, a great benefit to British shipping; but he wished for some explanation from the noble Lord as to the particulars which he had mentioned, and in which it did not appear that the British had a reciprocal or equal advantage.

Lord *Auckland* was willing to give the noble Lord all the information in his power. There was no tardiness whatever on the part of France in concluding the arrangement, and the delay had arisen only from unavoidable obstacles. The French Government had throughout met him with perfect frankness, and apparently with every disposition to make an arrangement with this country on terms of reciprocity. The delay had been occasioned by the necessity which existed of procuring information from various Consuls and other persons, and by some other causes. The principle upon which they had proceeded in making the arrangement was, that the duties payable by British vessels in the French ports should be reduced to an equality with the duties payable by French vessels in the British ports; but the difficulty was to settle the precise amount of payments, which, all things considered, would constitute that equality. Certainly the British did not pay fifty per cent more than the French. The payments were placed as nearly as possible on the footing of equality. The charges in all the French ports were uniformly 3*s.* 6*d.* per ton, while in every one of the British ports the amount of duties varied, as they were dependent on the charters of each of the corporations. An average, therefore, had been taken of the duties payable by French vessels at the ports of London, Liverpool, Dover, and the other ports where French vessels had been in the habit of entering for the last four years, and that average was the rule adopted. The duties payable by vessels from Cherbourg to Portsmouth varied considerably from those payable by vessels from Cherbourg to Liverpool, and it had become absolutely necessary to strike an average. The result was, that French vessels were to pay 10*d.* per ton; but it was remarked on the part of the French, that the French charged by one measure, and that we charged by another; and that, in order to produce the proper equality, it was necessary that British vessels should pay 1*s.* 3*d.* per ton. To this we demurred, and the arrangement as to this payment was only provisional, and the French Government was ready to alter it, if we could make out that the payment was too much. But from the calculations that he had made, and the information he had collected, he was rather disposed to think that the French calculation was correct. With respect to light-houses on the French coast, French commerce was concerned on that point as much as the British, and we had no right to make any demands in that respect. No complaint for want of lights had, however, reached him, otherwise they would have been attended to.

Viscount *Strangford* proposed to move for an account of British vessels wrecked on the part of the French coast alluded to, within a given period; but on Earl Grey intimating that there was no means of making such a return, the motion was withdrawn.

SCHOOLS OF ANATOMY.] Lord *Minto* moved the third reading of the Bill for regulating Schools of Anatomy.

Lord *Wynford* opposed the Motion. The Bill was altogether so objectionable that he had despaired from the beginning of its being amended so as to render it fit for passing into a law. He had been ready to propose a plan which would be free from objection, and which he understood from a high medical authority would completely answer the purpose. Under the present Bill, servants might sell the bodies of their masters, landlords the bodies of their lodgers, and people in the poor-houses and work-houses might dispose of the bodies of persons dying there as they pleased. He would move as an amendment, that the Bill be read a third time this day six months.

Lord *Teynham* agreed with the learned Lord, and was confident that the feelings of the people were more averse from the present Bill than from any parliamentary measure of late years. The inevitable result would be to demoralize and brutalise the people, and to convert every workhouse-keeper into a systematic trafficker in dead bodies. Neither would it answer its end as a means towards facilitating the study of anatomy.

The Earl of *Minto* said, that two facts which noble Lords could not deny, went to demonstrate the weakness of their objections—namely, the fact that the demands of medical science in this country, owing to the legislative prohibitions against providing for that demand, raised the price of the dead body so high, that the price became a desperate temptation to murder; and next, the fact that the principle of the Bill had been tried on the Continent and in America, and had been found eminently successful in putting an end to all illegal traffic in human subjects, while the science of anatomy was carefully studied. The question simply resolved itself into this:—was anatomy—that is, the dissection of the dead body—essential to the prosecution of medical science? If it was, then the question was, how dissection could be most facilitated without injury to the feelings of the people? And the answer which experience furnished was, to hand over the bodies of unclaimed persons—that is, of persons dying in hospitals and workhouses, without kindred or friends — to medical gentlemen responsible for the manner in which they should perform their duties. By the law as it stood, a surgeon was punishable for an unskilful exercise of his art; and yet the same law punished him if he attempted to acquire the means of becoming skilful,—that is, punished him for dissecting a dead body. Again, owing to this state of the law, the price of the dead body became so high, that atrocious murders were had recourse to, in order to grasp this enormous booty; the Bill would remove the motive to the crime by doing away with the temptation. But then it was said that it would exclusively apply to the poor. In answer, he would ask, whom would the general improvement of medical men most benefit? Was it not the poor, who could not command, like the rich, the services of the more accomplished physician? Again, whose graves were most exposed to the ravages of the resurrection men? Certainly the graves of the poor? And was it not proved in evidence before the Commons' committee, that so frequent was the practice of stealing the bodies of the poor, that one policeman alone detected 100 such robberies? Then, the highest and most humane members of the most humane and enlightened of professions—that of medicine—approved of the Bill.

The Earl of *Harewood* must oppose the Bill on the ground that it legalised the giving up the dead bodies of the poor for dissection—that this was disguised under the term *examination*—and that the burial service was most indecently slurred over. He had no objection to the supplying of bodies for the great anatomical schools; but by this Bill private individuals might dissect as many as they pleased. It was at a great anatomical school that the late atrocious murders had been detected. If the body of the Italian boy had been taken to a private dissecting room, it was not likely that such a discovery would have taken place. The Bill involved a principle which he detested, and that was the demoralizing the people.

The House divided on the question, that the Bill be now read a third time—Contents 29; Not Contents 9—Majority 20.

The *Lord Chancellor* proposed several verbal amendments—agreed to.

Lord *Wynford* wished to omit that part of the Bill by which it was provided that persons convicted of murder should not be dissected. He contended, that it was well known that the fear of dissection operated powerfully to deter from the commission of sanguinary crimes.

Earl *Grey* said, he should be sorry to do away with any portion of the effective punishment of murder, without providing an adequate substitute for what was proposed to be repealed. Granting that the dread of dissection might operate advantageously on the minds of individuals meditating great crimes, unfortunately it was also true that the circumstance of making dissection a part of the punishment of murder, tended to perpetuate and increase the prejudices against anatomical examinations generally. The object of this bill was to promote the interests of science, and it was thought that it would be advantageous (with that view) to do away with the dissection of murderers. At the same time, in order to distinguish murder from other crimes, and for the purpose of avoiding the possibility of lessening the moral horror of the offence, he had no objection to propose a clause enacting that murderers should be buried at the foot of the gallows and without Christian rites.

Lord *Kenyon* was fully persuaded that there existed great horror at the idea of being exposed and subjected to dissection, and that the abolition of dissection, in cases of murder, would not in the slightest degree diminish that horror.

Lord *Holland* said, if that feeling were now general, he must be permitted to observe, that the world must formerly have been much more republican than at present, since formerly the universal practice was, to subject the bodies of all Sovereign Princes to dissection. [Lord *Kenyon*.—They were always embalmed.] Actually dissected. He remembered reading a very accurate and minute account of the dissection of Louis XVIII.

Earl *Grey* moved a clause to the effect that the bodies of all prisoners convicted of murder should either be hung in chains, or buried under the gallows on which they had been executed, or within the precincts of the prison in which such prisoner had been confined, according to the discretion of the court before whom the prisoner might be tried, and that such addition be stated at the time of pronouncing sentence.

Clause agreed to, and bill read a third time and passed.

HOUSE OF LORDS,

Friday, July 20, 1832.

MINUTES.] Bills. Read a third time:—Valuation of Lands (Ireland); Remedies against the Hundred.

PARLIAMENTARY REFORM—BILL FOR IRELAND,—PROGRESS.] The Duke of *Cumberland*, submitted to the noble Earl at the head of the Administration, that he ought not to persevere in his intention of moving the Second Reading of the Irish Reform Bill so early as Monday. It was impossible that the Irish Peers could have sufficient notice before that time, and it was not treating them with proper respect and courtesy to take the second reading so early. It would be impossible even for the Peers who were present to make themselves masters of the Bill in so short a time.

Earl *Grey* could not see that there was any reason to postpone the second reading of the Bill beyond Monday. The Bill had been long before the other House of Parliament, and the Irish Peers must be acquainted with the provisions of the Bill. They must know also that it would come up to this House about this time, and they might have attended if they pleased. The Bill must be already well known to the Members of both Houses of Parliament; and, besides, the printed copies were actually now on the Table, so that their Lordships could have no difficulty in making themselves masters of the details before Monday next. Under these circumstances, and considering the period of the Session, and that the time was come when it was highly desirable that the Members of both Houses should have some relaxation after their long-continued and severe labours, he could not think of postponing the second reading beyond Monday.

The Duke of *Cumberland* assured the noble Earl that it had been thought by many that the Bill would not have come up to this House before the beginning of next week. The noble Earl was aware that a noble friend of his, who had given notice of a motion on the state of Ireland, had postponed it out of courtesy to the noble Lords on that side of the House, who wished that it should be delayed till the Lord Chancellor for Ireland should be in his place; and it was but fitting that the noble Earl should, in his turn, out of courtesy to them, postpone the Motion for the second reading of the Irish Reform Bill at least till Thursday.

Earl *Grey* was sensible of the courtesy which he had experienced on the occasion to which the illustrious Duke alluded; and if he could see any good reason for postponing the second reading he would agree to it. But then there was a very strong reason for postponing the discussion on the state of Ireland till his noble and learned friend should be able to attend, because it was a motion on a subject with which his noble and learned friend was particularly conversant, and in which he was personally concerned, and the absence of his noble friend was occasioned by very important public business. In the present case, there was nothing to prevent the attendance of the Irish Peers if they pleased; and they could not but be aware that the Bill would come up about this time, and he was persuaded that the delay of a few days would not produce a more numerous attendance than would take place on Monday. He saw no reason, therefore, at this period of the Session, for postponing the second reading of the Bill to a later day.

The Earl of *Limerick* thought that Monday was too early a day. There was a peculiarity in the state of Ireland, which did not occur in the case either of England or of Scotland. There was an extensive Reform in Ireland at the time of the Union, and in 1829 there was a further Reform, as it was called, when power was intrusted to a new class of individuals, and in what manner they had exercised that power was well known. He had no great hope that the passing of this Bill would be prevented by the delay, or that the postponement would make any great difference in the attendance of Peers. But he really thought that a regard to decorum, and to the interests of Ireland ought to prevent this important measure, in which Ireland was so deeply concerned, from being hurried forward like a common Turnpike Bill.

The Earl of *Gosford* was fully persuaded that the delay would be of no use whatever, and that even if the second reading should be postponed for a fortnight, no more Peers would then attend than on next Monday.

The Duke of *Wellington* thought some more time ought to be allowed for the consideration of the provisions of the Bill. If, however, the noble Earl should persist in moving the second reading of the Bill on Monday, he hoped that the noble Earl would at least allow some considerable time to elapse between the second reading and the Committee, as some noble Peers might think proper to propose amendments. For his own part, he did not know till this morning that the Bill was brought up from the other House.

The Earl of *Limerick* agreed with his noble friend (the Earl of Gosford) that the delay would make no material difference in the attendance of Peers. That was not, however, the ground on which he put the case. His argument was, that decency, and a respect for Ireland, ought to secure a further delay of the second reading of a Bill by which the interests of that country were so materially affected.

Earl *Grey* had every respect for Ireland, and as much regard for the interests of that country as the noble Earl himself could have; but full opportunity had been already given for the consideration of the whole of the provisions of the Bill. It was impossible that the Irish Peers should not have attended to the nature amd provisions of this Bill during the long period which the proceedings upon it had occupied the other House. The printed copies, he repeated, were now actually on the Table, and great inconvenience would arise from the delay at this period of the Session. He could see no reason for assenting to the proposal.

Lord *Wynford* did not think that their Lordships were bound to take their information from the proceedings in the other House, or to read all the papers which that House ordered to be printed. It was enough for him to read the printed papers of the House of Lords; and in this case the Bill consisted of twenty-six pages, besides various schedules, and it was impossible for their Lordships to make themselves masters of the whole Bill, so as to decide on Monday on the general principle. He moved that this Bill be read a second time on Thursday next.

Earl *Grey* moved as an Amendment that the word Monday be substituted for Thursday.

The House divided on the question that Thursday stand part of the question—Contents 13; Not contents 15—Majority 2.

The Amendment put, and the Bill ordered to be read a second time on Monday.

Bribery at Elections.] Lord *Wynford* rose to move the Second Reading of a Bill for the prevention of Bribery and Corruption at Elections. He had delayed for some time moving the second reading, in the hopes that a measure of this kind would be proposed by Government in the other House; but no such measure had come from the other House, and it might be doubted whether any such measure would come up this Session; and yet it was a subject on which it was incumbent on their Lordships to legislate without delay. He had opposed the Reform Bill; but it had been adopted by Parliament, and he was, therefore, bound to suppose that his opposition was wrong. But in the preamble of the Reform Bill it was stated, that its object was to prevent abuses, and although bribery at elections was one of the greatest abuses, yet there was no provision in the Bill to prevent bribery and corruption at elections. In bringing forward the present measure, therefore, he was only completing the Reform Bill. The nomination boroughs were not the only boroughs in which bribery and corruption prevailed; and it was the object of this Bill to prevent bribery and corruption in all boroughs. Some persons thought that bribery at elections was a good thing, as affording additional security to property. He did not think that it afforded additional security to property; but even if it did, still he should say, that bribery and corruption ought to be prevented, because, however desirable it was, that property should be protected, it ought not to be protected at the expense of the destruction of the morality of the country, and it was impossible that the practice could be suffered to prevail without injury to the moral character of the people. But bribery afforded no protection to property. It was well known that some candidates went down to boroughs and there expended every shilling they were worth, and came into the House of Commons the poorest and most dependent Members of that House. Sometimes those who had no money contrived to get themselves seated by means of promises which they were unable to keep. It was proved in the East Retford case, that a candidate carried his election by means of promises, and had disappointed the expectations of those to whom the promises were made, and that, consequently, his name had become a byeword at the place, and that when any candidate was afterwards introduced, it was common to say in his recommendation that he was a man of honour, and would not serve the electors as the other person had done. This was a case which could not be got over. It was clear, therefore, that desperate adventurers sometimes became candidates for boroughs, and gained their seats by means of promises which they were unable to keep. Ready money at these boroughs was, however, all-powerful; and it was of the last importance that this demoralising practice should be put an end to, as its direct tendency was to involve the people in misery and wretchedness. Archdeacon Paley had said, that when a bribe was once accepted, it destroyed all moral feeling in the mind of him who accepted of it; and, consequently, when an oath against bribery was to be taken, the bribed elector did not hesitate to take it. At an election for Grampound, forty-five persons had been bribed, including some Magistrates; and how many of these did their Lordships think had taken the oath against bribery? All of them had taken it. Blackstone and Paley had denounced this practice of bribing at elections. The House of Commons had passsd Resolutions against it in 1700 and in 1702. The Common Law condemned it; and three Statutes had been passed against it. Blackstone said, that the law was sufficient to put an end to the practice, if that law were duly executed. But in that respect Blackstone was mistaken. It was impossible, as the law stood, to get evidence to prove the facts. These cases were not susceptible of proof by collateral circumstances, and it was next to impossible to get direct proof. If a theft or a robbery, or if murder was committed, all these crimes might be proved by circumstances; but bribery could not, and, consequently, the law could not be executed. In this Bill he, however, added only one penalty, to that which was already established by law, and the whole of the other provisions of the Bill merely went to facilitate the execution of the law as it stood. He proposed to give to Committees of the House of Commons, and to Courts of Justice, an opportunity to examine the parties, and to prevent the objection to answer being taken by witnesses, and allowed on the ground that, as they were *participes criminis,* their answers would criminate themselves. As the law stood, a witness was not bound to answer a question where the answer would criminate himself; and, as long as this was the case, it would be impossible to get evidence of bribery. But, in putting an end to this privilege of persons examined, he had provided that they should be neither convicted nor even tried for matter arising out of their answers; and he had further provided, that no verdict could be given against them in an action of debt arising from any such matter. There were precedents for this proceeding, from the cases of Retford, Aylesbury, Shoreham, and Cricklade, the witnesses were compelled to answer, on protection being given to them against the consequences. In stock-jobbing transactions too, it was impossible to get direct evidence as long as the rule of law which he had mentioned remained in force, and, therefore, in the case of Sir John Barker, the party was compelled to answer, but was protected by a law for the purpose of indemnifying the witnesses in such cases. There were people in some towns who lived on the bribes they obtained at elections, and they could never be brought to account. Blackstone said, that it would be much better to administer the oath against bribery at elections, to the candidates than to the electors, and he agreed with Blackstone. Give him only this oath, and he would dispense with all the rest. Desperate persons might become candidates, but they would be afraid of the infamy which would attend an exposure of a violation of the oath, and they would be afraid also of losing their seats, in case they were returned, and of the costs which they would incur, for there was a provision in the Bill, that the person convicted of bribery, should pay all the costs, those of the petitioners, as well as his own costs. As Sir William Pulteney had said on a former occasion, all persons were interested in the purity of elections. The Bill contained a provision for fixing those who voted in consequence of promises, and those who gave promises, although they should not amount to a contract; and the electors might be examined in order to ascertain in what cases the votes were given, in consequence of such promises. This was the nature of the addition which he made to the existing law. The other provisions of the Bill went merely to enforce the execution of the existing laws. It had been said by a noble Lord, that a Bill of this kind could not properly originate in their Lordships' House, but a high Whig authority had given a contrary opinion, and had distinctly stated, on an occasion when the Lords had made amendments in a Bill of this kind, that the Commons were much obliged to the Lords for assisting them in preserving the purity of election. He was sure, therefore, that the Commons would not object to such a Bill as this originating in this House, or if they did he could not help it. He had only done his duty in bringing forward this Bill, and he moved, that it be now read a second time.

The *Lord Chancellor* expressed a hope that his noble and learned friend would not press his Motion, but leave the further prosecution of the subject to the other House. He agreed with his noble and learned friend that this House was not precluded from originating a Bill of this kind, but at the same time there was a peculiar propriety in its originating in the House of Commons, the election of the Members for which it alone affected. His noble and learned friend had before postponed proceeding with this Bill, on an assurance that a Bill was to be introduced by Government in the other House, on the same subject; and a Bill had been introduced there, and had been read a second time, and was to have been committed on Tuesday last, when this was unfortunately prevented for the time, by the House being counted out. But still it was the intention of Government to proceed with the Bill; and there were hopes that it would receive the assent of the Legislature in the course of the present Session. He agreed with his noble and learned friend, that bribery at elections was a most heinous offence; and the more heinous now, after the passing of the Reform Bill, than it was before; and he agreed that the Legislature ought now to render the law against bribery at elections—he would not say more efficient—but for the first time efficient. He had not thought that his noble and learned friend would persevere in proceeding with this Bill, and, therefore, he had not read it; but on casting his eye over some of the clauses, he found that there was a new principle introduced in the penal and election laws, and this ought not to be done except with due caution and deliberation. He was not prepared to say, that in no case ought a man to be compelled to answer so as to criminate himself, upon an indemnity being given him. But as the law had hitherto stood, a person might object to answer where the answer would subject him to infamy, against which there could be no indemnity; and this objection was allowed, on account of the danger that perjury would be committed where the temptation to commit it would be so strong. It required very grave consideration before an alteration was made in this principle. He would not, however, proceed to discuss that question at present, as he was in hopes that his noble and learned friend would not persevere in his Motion.

Lord *Wynford* said, that after what had fallen from his noble and learned friend, he would certainly not press his Bill; but he hoped that his noble and learned friend would not objeet to its being read a second time *pro forma*.

The *Lord Chancellor* had no objection whatever.

Bill read a second time.

HOUSE OF COMMONS,
Friday, July 20, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. HERRIES, an Account of the Imports and Exports at the principal Ports of the United Kingdom in the first six Months of 1831 and 1832; of the Quantities of those Articles subject to Duties of Excise, and of the total Produce of the Duties of Customs during the last five years.

Bills. Read a first time:—Assessed Taxes; Composition.—Read a second time:—Special Constables (Ireland); Arms and Gunpowder (Ireland).—Read a third time; Fisheries (Newfoundland): Sheriffs' Expenses.

Petitions presented. By Mr. WYSE, from the Royal Colleges of Surgeons of Edinburgh and London, for an alteration of the Laws regulating the Eligibility of Physicians and Surgeons for Situations in County Infirmaries; from Waterford, for a Repeal of the Drawback on the Exportation of Soap from England; and from the National Political Union of Ireland; and by Mr. HEYWOOD, from Manchester,—in favour of the Ministerial Plan of Education (Ireland).—By Mr. JAMES JOHNSTONE, from Drumgain,—against that Plan; and against the Qualification Clause in the Reform of Parliament (Scotland) Bill.

TITHE MEETING AT NOBBER.] Lord *Killeen* rose to present a Petition, which, in a constitutional point of view, was of considerable importance. The petition was that of certain individuals, who had assembled at Nobber, in the county of Meath, on the 15th instant, for the purpose of petitioning the House on the subject of tithes, but who had been unable to effect that lawful object, in consequence of the interference of one of the Deputy-lieutenants of the county and some Magistrates, who came with a large force of army and police, and dispersed the meeting. The petition stated the circumstances at some length; amongst them the fact, that one Magistrate was in the chair, and another moving a resolution to petition the House, at the time the army came up. He did not know whether the circular letter of Sir William Gossett, desiring Magistrates to disperse illegal meetings, had been or not issued before the meeting took place, but that was of little consequence, for the letter was couched in such vague language, that he (Lord Killeen) should feel obliged to the right hon. Secretary for Ireland to define what an illegal meeting was, as otherwise, supposing himself to be applied to, he could not pronounce a meeting of this description to be illegal. The people had understood that tithes were to be extinguished, and they had endeavoured to effect the object. The right hon. Secretary for Ireland had certainly promised the people of that country a total abolition of tithes; instead of which, he had brought in a Bill to perpetuate them, and render the payment compulsory. Some endeavours to alarm the Legislature had been made, by referring to the non-payment of rent, but the moment the people struck at rent, those who now advocated their cause would be against them.

Sir *Edward Sugden* thought, that the noble Lord had used the right hon. Secretary for Ireland rather unfairly, in putting the construction which he did upon the Resolution moved by that right hon. Gentleman. That Resolution was declaratory of the expediency of a commutation for tithes, and not, as the noble Lord now seemed to wish it to be considered, as expressive of a desire on the part of the Government for the total extinction of them. The noble Lord appeared to think it quite proper that meetings should be held for the extinction of tithes, but he would wish to ask him how long would it be before those who now aimed at the extinction of tithes would strike at the total abolition of rents? He agreed with the noble Lord, that the moment the people struck at rents the landlords would be against them. Why would they be so? The answer was obvious; such a step would draw from the pockets of the landlords instead of the clergy. He had seen, with the deepest pain, the accounts in the public prints of the proceedings in Ireland on this subject, and he had no hesitation in asserting, that they placed Ireland in a state of direct rebellion. Every body must think, that meetings of the description alluded to in the petition were highly illegal. ["*No,*" from Mr. *O'Connell.*] He was quite ready to meet the hon. Member on that ground, if he thought they were not so. The present state of Ireland was infinitely more dangerous as regarded the operations of Government than one of open war and rebellion, and would lead to consequences which every one (and the noble Lord opposite would himself be one of the first to do so) could not but deprecate. He knew, indeed, that the extinction of tithes would be the means of putting into the pockets of the landlords a great portion of that which now went into the pockets of the clergy, and it was therefore no wonder that those who would be thus benefited advocated and sanctioned such illegal proceedings. He would, however, warn them that they would be among the first to suffer from the consequences of resisting the law.

Mr. *O'Connell* could not help congratulating the right hon. Secretary on the new friend that he had found at that side of the House, though, on reflection, he must feel convinced that the nature of his intentions towards Ireland would always secure him friends at that side of the House. He certainly could not have a more able advocate, or a better lawyer, but decidedly no worse political adviser. The right hon. Baronet had accused his noble friend of acting unfairly towards the right hon. Gentleman opposite. Now it was not the habit of his noble friend to act unfairly towards any person. There was not in the House an individual less capable of acting unfairly towards any human being; but he did not feel surprised that the right hon. Gentleman was incapable of understanding minds of the order of that of his noble friend. The right hon. Gentleman had declared that Ireland was in a state of direct rebellion. Was it, indeed? Now, he would beg to ask the right hon. Gentleman, at any of the tithe meetings in Ireland was there a single feather shaken, a single assault committed, or an act of violence of any kind perpetrated by those who met peaceably and constitutionally for the purpose, if possible, of procuring the total extinction of tithes? He would defy him to point out, in all the meetings that had taken place in Ireland, one single instance. He thought that the right hon. Baronet, with a very bad grace, indeed, had brought a charge of unfairness against his noble friend, for having charged the right hon. Secretary with using the words extinction of tithes, for the purpose of deluding the people. The right hon. Secretary had certainly used the words extinction of tithes, and then what did the noble Lord charge him with? Why, that after having talked of tithes as a grievance, and declared that they should be abolished, he proceeded to extinguish them by bringing in a Bill to render the payment of them permanent and compulsory. That was what the noble Lord complained of, and what he had every right to complain of. When the right hon. Gentleman talked in that House of the extinction of tithes, to a people who were anxious for their extinction, what wonder was it that the people should give the words their plain and obvious meaning, without heeding or caring for those explanations which the hon. Member had asserted they were accompanied with? That was the whole amount of the charge of unfairness, but, if there was any unfairness to be complained of, it was the attack which, with such unbecoming taste, the hon. and learned Gentleman had thought fit to make upon his noble friend. The hon. and learned Gentleman had talked of a rebellion in Ireland—what, a rebellion in which there were no arms? If there was a rebellion in Ireland it certainly was a very extraordinary kind of rebellion, for the people assembled without either musket, bayonet, sword, or pike, and they dispersed wherever a Magistrate appeared to declare their assemblage illegal. The people met occasionally in considerable numbers, but their meetings were peaceable and orderly. Had not the people of Ireland a right to express their opinions, and to send forward their petitions to that House? Was the right of petition to be withheld from the people of Ireland at the arbitrary caprice of any official underling. Was this interference attempted with the rights of the people of England? Had not the Reformers met in large numbers, and who had attempted to disperse them? When the right hon. Secretary and his colleagues were driven from that bench, and 150,000 Englishmen assembled at Birmingham, who dared attempt to disperse them? They met without interruption or impediment, because they were Englishmen, and would not permit their rights to be invaded with impunity. Where was the wretched treasury hack, or the paltry scribe, who would have dared to send a circular letter to the Magistrates to disperse that meeting, or to tell the people of Birmingham that their meeting was illegal? The people of Birmingham held their glorious meeting. They displayed their power—God bless them for it; and there no meddling Magistrate had the audacity to read the Riot Act and disperse the meeting, and send the people to their miserable homes with the police running at their tails for fear they would not go fast enough. The people of Birmingham had triumphed—they had nobly triumphed, and their triumph was not yet at an end. Its consequences would be felt, and its first and best results would be the security of the constitutional rights of British subjects from insolent and capricious aggression. Let them be assured of it, the Irish government would have to answer in a Reformed Parliament for daring to interfere with the right of the subject to petition. [Mr. *Stanley* smiled.] The hon. Gentleman might sneer, but he would find it to his cost. In the next Parliament they would have the House cleared of 250 nominees of Peers and boroughmongers, and if he (Mr. O'Connell) had the honour of a seat in that Parliament, he would himself be the person to bring forward the articles of impeachment. To that he pledged himself—[*cheers*]. Hon. Members might cheer, but he was determined that in a reformed Parliament the right hon. Gentleman should be made to answer for his conduct towards Ireland. Was there ever any such thing heard of as the Irish government were perpetrating in Ireland? At the assizes of Wicklow persons had been fined and sentenced to two years imprisonment, for having been present at a meeting alleged to have been illegal. Had they not torn the priest from his altar, the merchant from his counting-house, and the barrister from his circuit, the tradesman from his shop, and the gentleman from his home, in an unholy attempt to put down the Irish mind. Did they not send their thief-takers to the houses of respectable persons, to drag them through the public streets for the purposes of insult, when those persons, who were in a station that was a guarantee for their appearance, would at once have surrendered themselves, upon a verbal intimation of its necessity. But he could tell them that they never would succeed in their attempts to extinguish the Irish mind. The people would triumph as they did before. They would persevere in their peaceable but steady course. They would ask the advice of those who had never deceived them. They would infringe no statute, violate no law, observe peace and order. They would continue to hold their meetings. They would disperse whenever a Magistrate appeared to pronounce their meetings illegal. They would continue peaceable, quiescent, and imperturbable; but still, nevertheless, they would pay no tithes. Yes, they would pay neither tithes nor Church rates, and the reason was, because they got no value for either. He had heard it said, that the resistance to tithes would end in producing a resistance to rents. He did not believe it. They could not delude the Irish gentlemen who took part with the people, or detach them from them by such a clumsy artifice. They were too shrewd to be so easily imposed upon. Those who knew the Irish mind required no argument to convince them of the fallacy of such a supposition. The Irish people had strong and ready perceptions. They had a love of justice beyond any people in the world, and they possessed a keen capability of judging what was right and what was wrong. Any man who knew the mind of Ireland intimately, knew that the Irish people could walk on the verge of a volcano with as much discrimination and as much self-possession as any five Members of that House could manifest in all the ease, composure, and security of a private chamber. There was no danger of an attack upon that property for which the people received value. The only and the inevitable danger was to that for which they received no value, so that he would make them a present of their silly bugbear. He would now ask the House to consider what were the circumstances attendant upon this meeting that had taken place in the county of Mayo. A gentleman of fortune was in the chair. A Magistrate of the county was in the act of moving a resolution to petition this House, when another Magistrate stepped forward and pronounced the meeting to be illegal. He was asked why he considered the meeting to be illegal, and he replied, that he had heard that some flags had been used. Was not that a most satisfactory definition of the legality of a meeting, that flags had been made use of? He supposed that it had been declared that the using of flags at a meeting constituted its illegality. This was exactly the Star Chamber addition to the law that was made to sanction the butchery at Manchester, when that Star Chamber sentence was pronounced which consigned the hon. Member below him (Mr. Hunt) to an imprisonment of two years and a half, exciting the boiling indignation of every lover of liberty in every part of the empire. That dangerous Star Chamber interpretation of the law was ever found to be the last resource of tyranny, and was always sure to be resorted to whenever oppressive and despotic power essayed to abridge the liberty of the subject, to trample on the best privileges of the British citizen, and suspend the constitution itself. It was the last, and, let him tell the right hon. Gentleman opposite, it was the worst resource of tyranny. He would make the Irish government a present of their new judge-made law. He did not grudge them the benefit of their Star Chamber proceeding, but, let him assure the right hon. Gentleman opposite, that it would not avail him, for the right hon. Gentleman might rest assured, that the day would come, and that the day was fast arriving when he would be put upon his fearful responsibility, and would be made to answer to a reformed Parliament for his outrageous and unconstitutional conduct towards Ireland. He had said, and he would repeat it, that Star Chamber interpretation of the law, and judge-made definition of illegal meetings, whenever it was necessary to suit a particular purpose, was ever the last resource of tyranny; and he had no hesitation in making the right hon. Gentleman a present of both. Was there ever such a document issued as this circular of the Irish government to the Irish Magistrates? In his opinion it was decidedly insufficient in point of law, for there was no direction to the Magistrate to determine the illegality of a meeting by any test, or no direction to act only upon information upon oath. It certainly appeared to him to be a most extraordinary document, and, in his opinion was, as his noble friend said, most vague and indefinite. It told the magistrates to act, but it cautiously avoided giving them any directions to procure any information upon oath, or any sworn evidence of the legality or illegality of the meetings that they might be called on to disperse. He trusted the noble Lord would move for the production of this letter, for if not, he would certainly do so in the next Parliament. This letter empowered magistrates to disperse meetings, on their own belief of their illegality. It gave to every official in the capacity of magistrate, the power of capriciously determining, according to his own fancy, what might be or what might not be an illegal meeting. What other construction could be put upon the letter? No magistrate had the power of dispersing any meeting, or of acting, unless in excepted cases, without information upon oath. In this case there was no direction to the magistrates to procure information upon oath, and this letter went to violate one of the principles of the British Constitution, which preserved the inviolability of the subject's liberty. It was the very principle of the British Constitution that no magistrate should dare to interfere with the liberty of the subject, or to act without information upon oath. This was a principle religiously preserved and rigidly guarded in England, but in Ireland it was quite a different thing. Let a magistrate dare in England to act upon his own capricious opinion—let him proceed to violate the liberty of the subject without proper authority by sworn information, and he would have to suffer for it. But what were the very plain and satisfactory instructions which this letter held out? It is stated to the magistrates that they were called upon to suppress all meetings which appeared to be sudden and preconcerted. Sudden and preconcerted!—was there ever so lucky a definition of illegality. A meeting, sudden, and also preconcerted! He was sure it was quite impossible that any magistrate could go wrong who happened to be furnished with such lucid instruction. This was the second celebrated letter which the Irish Government had addressed to the Irish magistrates. Indeed the right hon. Gentleman had every reason to be proud of his ability in letter writing. However, he might now congratulate himself that, as his celebrated manifesto was hitherto unparalleled in absurdity, it could not longer boast of that distinction, for it had got another to match with it. What he complained of was, that this capricious interference with the right of the subject should be attempted by any Government. Where was the safe guard with which the boasted Constitution of Great Britain fenced round the right of the subject, if the right of petition could be thus capriciously interfered with? Had he not a right to complain—had not the people of Ireland a right to complain of this arbitrary despotism, to which they were surrendered. The meeting in the county of Meath was dispersed without there appearing the least pretence to say that it was likely to produce any breach of the peace, or to create any disturbance. This meeting thus assembled to petition this House, was arbitrarily dispersed. He would ask if the right to petition was once taken away, was there not an end to the British Constitution? What guarantee had the subject for his liberty—what guarantee was there for freedom, for justice or security, if the inalienable rights of British citizens could be thus wantonly, capriciously, and arbitrarily interfered with? The hon. and learned Gentleman, who had last addressed the House, had talked of legality and illegality, and of rebellion in Ireland. He did not think it necessary to follow the honorable and learned Gentleman throughout his observations; but he could not fail to notice some expressions which had fallen from him. He had talked of violent and intimidating language having been held out at the tithe meetings in Ireland. Now he would give a challenge to the hon. and learned Gentleman, and he defied him to point out, in any authentic Irish newspaper, one single passage, or one single observation made use of at any of the tithe meetings throughout Ireland, bearing the character of either violence or intimidation, or in the least degree having a tendency to either the one or the other. He defied the hon. and learned Gentleman to point out a single passage of the description. On the contrary, the advice uniformly held out at these meetings was, "obey the law, procure redress peaceably and constitutionally, take the advice of those who have always advised you wisely, do not commit any breach of the peace, or put yourselves in the power of your enemies; seek redress by the only constitutional means, and in a manner that will prove your anxiety to obtain it. Seek it not by occasional petitions, but by the voice of millions, peaceably expressed before Parliament." This was the advice that was given; and he challenged the hon. and learned Gentleman to point out any expressions, or any passage different from that. Let the right hon. Gentleman be assured, that this transaction would not end here. It would be heard of again and again; it would be revived in a Reformed Parliament, and it would never cease to be renewed, until the result of its repeated discussion would be, that the people of Ireland would be as free to meet in any numbers they choose, to exercise the right of petition, as the people of England were at the present moment. When the people of England met in hundreds of thousands, and held their glorious meetings; exhibiting their strength and their combined moral energy, they were not only not dispersed or resisted, but they were cheered and encouraged by that House.—Aye, but it might be said, that these meetings were not for the purpose of refusing to pay tithes; but he would remind the House, that if they did not refuse to pay tithes, they refused to pay taxes. And why was it not as fair to meet in Ireland to refuse to pay tithes, as it was in England to refuse to pay taxes. A noble Lord opposite of the highest station and character, (Lord Milton) had given a noble example to the people of Ireland. That noble Lord, in his place in this House, had declared, that he, for one, would not pay taxes until the Reform Bill had passed. That declaration was cheered by the House, and by those hon. Members who usually sit around the right hon. Gentleman. Now he would ask, did the right hon. Secretary for Ireland think he could impose upon him by telling that noble Lord, that his declaration would produce a combination against rents? The people of England refused to pay taxes. The glorious people of Birmingham declared that they would discontinue to pay taxes until the Reform Bill was passed. As well as the people of England refused to pay taxes, in like manner would the people of Ireland refuse to pay tithes, and they would find no law to compel them to pay tithes. The Quakers did not pay tithes, and they were right. The people of Ireland would not pay tithes—they would commit no violence. Let the right hon. Gentleman and his supporters feel assured that they would not put themselves in the power of their enemies. There was no law, nor no Star Chamber decision of Judges, which would say to the people that they must not meet to petition the Legislature. They would continue to meet—if the magistrates came to disperse them they would quietly disperse, but no attempts to put down the mind of Ireland would prevent the people from coming before Parliament with their complaints. The right hon. Gentleman had made many attempts to extinguish public discussion, and suffocate the voice of the people of Ireland. He had failed—signally and egregiously failed—there was a recuperative energy in the mind of Ireland which would baffle every attempt to suppress it, and however the right hon. Secretary might lay the flattering unction to his soul, he never would extinguish the public mind of Ireland, and until he had first done that, he would find all his attempts to re-establish tithes in Ireland end in fatality and disappointment.

Mr. *Stanley* treated the threat of impeachment as he did every other from the hon. and learned Member who had just sat down. He admitted, that the right of petitioning was a sacred right; but it ought not to be abused by being made the cloak for proceedings of an illegal and dangerous character. The legality or illegality of meetings of this kind, must depend entirely upon the circumstances under which they took place. A meeting which in one state of the country might be perfectly legal and perfectly harmless, might, in a different state of the country, be attended with infinite hazard and danger; and thus it would become illegal. He asked the House whether the peace of Ireland, and the security of property there, had not been endangered by the meetings which had been held upon the subject of tithes? The hon. and learned member for Kerry had stated, that the meeting which the petitioners in this instance complained of, having been improperly dispersed, was one of a perfectly peaceable and harmless description, and that no banners nor other insignia, either of party or of terror, were displayed on that occasion. The hon. and learned Gentleman had also stated, that no information on oath had been given of the supposed illegality of the meeting. Now, in the whole of those particulars the hon. and learned Gentleman was mistaken: because it was a fact that flags and banners were displayed, and that the men, in bodies of many thousands, assembled from a distance of twenty and even thirty miles, marched upon the ground in military array. It was also a fact that information was given to the magistrates upon oath, of the supposed illegality of the meeting. It was sworn that the party in proceeding to the place of meeting had two flags flying, on the one of which were inscribed the mottoes, "The people are the stronger," and "He who would be free must strike the first;" and on the other the motto of "Ireland as she ought to be," with the device of a harp and a crown detached. Upon this and other information which the magistrates received, they were induced to believe that the meeting was illegal—that it was held for the purpose of intimidation, not for the free exercise of petitioning Parliament; they therefore came to the determination of dispersing it, and they were right in doing so. Every unprejudiced person must consider meetings of that description as dangerous to the peace of the country, hostile to the interests of society, and prejudicial to the security of property. For the present he would undertake the responsibility of suppressing them, and of maintaining the peace of the country, and the enforcement of the ordinary laws. But if they should fail—if the continued resistance of the people should render stronger measures necessary, he should then come to Parliament for additional powers to support the authority of the laws.

Mr. *Hunt* thought, that the right hon. Gentleman's view of the legality or illegality of a meeting was a most convenient one. Meetings in Ireland against tithes were illegal—meetings in England in favour of reform were legal enough, and very palatable too.

Mr. *Stanley* begged to remind the hon. Member that his noble friend at the head of the Home Department took measures to suppress one that was held at the outskirts of the metropolis.

Mr. *Hunt*—Not until the feelings of the people had been pretty well expressed. What would the right hon. Gentleman say to the meeting at Birmingham, where hundreds of thousands of men assembled from all the country round, with banners flying and music playing. What did those men meet for? To insist upon reform; and to intimidate the King, if he did not continue the existing Ministry in office. Nothing was said of the illegality of that meeting. But a reform meeting, held at Manchester some 12 or 13 years ago, was dispersed with the sword—the people were ridden down by the soldiers—they were murdered —and he himself was confined for two years and a half in Ilchester gaol. The feeling against tithes would not long be limited to Ireland. Indeed it was already gaining ground in this country. The inhabitants of Bolton in Lancashire, at a meeting of the parish vestry not long since, came to the resolution that they would not pay church cess, or church rates, and that no man ought to be called upon to contribute to the support of the clergy of any church of which they were not members.

Mr. *Sheil* thought it would be better for the right hon. Gentleman to come to that

House for new powers, than to take them on his own authority. Could it be laid down as the law of the land, that when a meeting assembled for the purpose of petitioning Parliament, any Magistrate, on information given him, might disperse such a meeting, and so, in fact, put an end to the right of petitioning? He wished that some answer might be given to that question. Other meetings of a much less legal character had been held, and no attempt made to put them down, though ample notice had been given of them. He had the hon. Member for Sligo in his eye when he said so. That hon. Member had told them in that very House, before the 12th of July, that the Orangemen would assemble in great force on that day, in order to show their strength, of course in support of the law and of the present Government. They did meet in enormous numbers, they were headed even by martial music and banners, they had met in various parts of the country, attended in some instances by upwards of 300,000, among whom were some Magistrates, although they were fraught with every circumstance of alarm and intimidation, and although they had been denounced before hand; while a meeting which took place in the county of Meath, not for intimidation, but for the purpose of petitioning Parliament, was dispersed at the point of the bayonet. If the right hon. Gentleman (Mr. Stanley) was right in the opinions of the law officers of the Crown, why was it, that he had introduced the Party Procession Bill? The question was not whether Ireland was in a perilous condition; it was not whether these meetings were to be dispersed, but whether the law of the land was to be violated, and the constitution infringed thereby? The people of England had a direct and immediate interest in this, because if a precedent were adopted in a province, it would speedily be established and extended as convenience might require. It had been said by the right hon. Gentleman (the member for Tamworth) on a former occasion, that he would support any new clause for the purpose of strengthening the executive in Ireland, and undoubtedly if Ireland were in desperate circumstances she might be legislated for accordingly. But were the Government to act on extraordinary powers, before they received them?

Mr. *Ruthven* said, that the crime of Irishmen was, that they were too obedient to what were called the laws, but which were not really so. If the people had a right to meet and petition for reform, why were they not allowed to meet peaceably to petition against tithes? He believed the orders to disperse the meeting to have been illegal and unconstitutional. It was owing to the good sense of the people in dispersing quietly that no mischief arose, and no blood was spilt. He hoped Government would not act that part which was so much desired by those who wished to see Ireland in open rebellion. He had never attended a tithe meeting, but he would attend one to-morrow if they were to be thus suppressed.

The Petition was read.

Mr. *O'Connell* observed, that the greater portion of the disturbance, the existence of which in Ireland had been so much complained of, had its origin in the defective operation of the existing grand jury laws. The power of selecting juries was altogether vested in irresponsible officers, whose conduct in most instances was swayed by party or political considerations, adverse, in the fullest meaning of the word, to those of that portion of the community who, from a desire to relieve themselves from what they considered oppression, were unfortunately the more frequent victims of the law. The hon. Member for Sligo had stated that Ireland was then in such a state that an open rebellion would be most desirable. He (Mr. O'Connell) begged to assure the British House of Commons that the state of things which had called forth such an observation from perhaps one of the most humane beings breathing, was mainly caused by the defective operation of the Irish Jury Laws—a system which, as the Grand Jury Bill had every prospect of being cashiered in the other House of Parliament, being in fact consigned to the consideration of an unnamed Committee, would, in all probability, unless amended by a Reformed Parliament, continue much longer in force. If it did, the people of Ireland would know whom they were to thank for it. He only hoped that his Majesty's Government would be able to exempt themselves from the blame of the proceeding.

Mr. *Crampton* denied that the selection of juries was placed in the hands of irresponsible individuals. The Sheriff supplied the panel, and from that panel the jury was summoned. He begged also to deny that the statement of the hon. and learned Gentleman respecting the Committee in the other House on the Irish Grand Jury Bill was correct. A Committee had been named, but as yet no report was presented, and consequently the Bill could not be advanced.

Colonel *Perceval* begged in the most positive terms to deny the assertion of the hon. and learned Member for Kerry, to the effect that he (Colonel Perceval) had advocated an open rebellion in Ireland. God forbid that such a proceeding should ever have his sanction. What he had stated was, that an open rebellion would be a blessing when compared with the state of insubordination in which Ireland was at that moment plunged. He trusted the House would believe him incapable of expressing such a thought as that attributed to him.

Petition to lie on the table.

On the question that it be printed,

Mr. *O'Connell* remarked that when speaking of the irresponsibility of the individual who nominated juries, he alluded solely to Special Juries. If the Lords' Committee on the Grand Jury Bill had been named he was positive they had not met; for he had each day, during the last three months, examined the proceedings of that House, to ascertain the fact, it being his intention to offer himself to the Committee as a witness, whenever they commenced their sittings. He would venture to prophesy that the Bill would never receive such support from his Majesty's Government in the other House as would secure its becoming the law of the land.

Mr. *Crampton* said, the Government had no intention to interfere with the right of petitioning. But the hon. Member for Louth had assumed that the meeting on the subject of this petition was legal, and constitutionally assembled for a constitutional purpose. It was, however, assembled nominally for one purpose, and really for another. It was, therefore, the duty of Magistrates, having jurisdiction, to suppress it. He believed this petition had been got up for the purpose of dissolving those bonds by which society in Ireland was held together. The petition prayed an investigation into the circumstances of the dispersion of the meeting. Three persons had been apprehended, and on their trials at the approaching assizes, the matter would undergo legal investigation. It had assembled, not to petition but to agitate, to enter into a combination against the payment of tithes, and to pronounce a sentence of civil excommunication against those who refused to become parties to their nefarious scheme. The law of the land, he was of opinion, was sufficient for the Government, but it was necessary to be enforced. By whom, however, was it to be administered, if not by the Magistrates, who were responsible for their conduct? The hon. and learned Gentleman opposite might, if he pleased, move in the Court of King's Bench for an information against the Magistrates. [*"Hear"* from Mr. *O'Connell.*] The hon. and learned Gentleman said "Hear;" he knew that he entertained an opinion that the Law Courts in Ireland did not duly administer justice, and that they were not to be trusted. That, however, was a gross libel, and although their characters were traduced, and their actions vilified, never were there abler, more honest, and more humane men, than the Judges of Ireland.

Sir *Robert Peel* rose to correct a misstatement made by the hon. Member for Louth. He had not stated, on the occasion alluded to, that any new powers ought to be granted to Government—for in fact, he had great confidence in the energy of the ordinary law, if properly enforced, and until every other measure was exhausted, no extraordinary powers should be resorted to.

Colonel *Perceval* bore testimony to the impartial character of the Judges and Juries of Ireland. He recollected the hon. and learned Member for Kerry, stating that the Protestants of Ireland, generally, were in this outcry against tithes.—[*"No,"* from Mr. *O'Connell.*] He certainly had so understood the hon. and learned Gentleman. He denied that assertion. The Protestants as a body, although there might be some few exceptions, owing to intimidation, or expectations being held out to them, loathed and detested this atrocious combination against the payment of tithe. He might agree with some persons that what was called a Reform, might be introduced in the disposition of church property—but he would never agree to separate the property from the church. The bishops might cause a fairer division of the property, and appropriate it more equally; but the clergy received their tithe by the same right as the landlords received their rents. He looked on this attack on the tithes only as preliminary to an attack on the rents, and he knew that many of those who wished to destroy the tithes looked forward with confidence to a reduction of rents. It was, therefore, extremely satisfactory to him to see the Government come forward with their tithe and other measures, with a view of suppressing that combination. A great part of Ireland was now in a state even worse than rebellion. He stated as a fact, that on the 6th of this month, at a meeting upon tithes at Balliman, the Roman Catholic Priests brought up their flocks with banners bearing inscriptions disrespectful towards the Protestant clergy. Roman Catholic Priests in numbers appeared on the platform, and went the length of stating, that they would form themselves into a Union to overawe the Assistant Barrister in the execution of his duty. Indeed the state of the country was such, that an open rebellion would be a blessing in comparison to it, for then Government would be obliged to use prompt and decisive measures for its suppression. He denied that the Protestants of Ireland as a body at all participated in the proceedings against tithes. He was aware that in the conspiracy to suppress the tithes a number of farmers were compelled to come forward and attend the meeting, who detested and loathed conspiracy.

Mr. *Crampton* was inclined to place about the same degree of confidence in the prophecies of the hon. Member that he did in his statements, which from experience he knew were generally most incorrect and unfounded. The assertion of the hon. Member with respect to Special Juries was quite as inaccurate as that with respect to Common Juries. In neither case had the Crown the least power of nomination. In Special Jury civil cases the Prothonotary of the Court in which the action was brought, selected the Jurors from the panel as furnished by the Sheriffs, and he had never heard the conduct of the Sheriffs impeached. The Prothonotary was not a sinecurist, and so far from depending for his office on the pleasure of the Crown, held his office by patent, and was quite independent of the power of the Crown.

Mr. *O'Connell* referred to the Master of the Crown-office, in proof of his assertion.

Mr. *Crampton* answered, that the Master of the Crown-office, who struck the Jury for the Crown, in cases where the Crown was concerned, was the holder of a patent office.

Mr. *O'Connell* thought nobody could entertain a doubt, that though a patent officer, he was under the influence of the Crown.

Lord *Althorp* observed, that it was no fault of the present Government that the Jury Bill, alluded to by the hon. and learned member for Kerry, had not passed. Those who now formed the Government, had supported it when it was in that House.

Petition to be printed.

CASE OF SOMERVILLE.] Mr. *Hunt*, seeing the Secretary at War, in his place, desired to obtain some information from him respecting the case of Somerville, the private in the Scotch Greys. In reply to a question which he (Mr. Hunt) had on a former evening put, as to whether or not that individual had been discharged from his Majesty's service, the right hon. Secretary at War had replied, that an application for the discharge had been made to him by the brother-in-law of the party. which had been handed over to the Commander-in-chief. He (Mr. Hunt) understood that an inquiry into Major Wyndham's conduct, in regard to Somerville, had been ordered by Government, and he begged to ask, whether or not Somerville would be discharged from the service previous to that inquiry?

Sir *John Hobhouse* stated, the answer of the Commander-in-chief to the application for a discharge was, that if the individual continued to conduct himself to the satisfaction of the officers, he would, in a short time, upon the payment of the regular discharge money, obtain permission to leave the service. When that short time would expire he could not say, but he believed, that it would be *bona fide* "a short time." He did not think it mattered in the slightest degree, whether Somerville was, or was not, in the service when giving his evidence upon the investigation into Major Wyndham's conduct.

GREEK LOAN.] Mr. *Baring* wished to know from the noble Lord (Althorp), whether it was the intention of Government to propose to Parliament any measure with respect to the guaranteeing by England, of the Greek Loan. That was a question connected with the foreign policy of the country, and, as it involved the expenditure of the public money, it ought to be submitted to the Representatives of the people, and his question was, would it be submitted to them this Session.

Viscount *Palmerston* said, that, as the subject alluded to lay in his department of the Administration, he would take upon himself the duty of replying to the hon. Member. Before bringing the subject under the notice of Parliament, which it was positively the intention of his Majesty's Government to do, he was desirous to lay before the House all the Protocols which had been agreed to on the subject, since it was last before the House. To do that at present would not only be unadvisable, but impossible, and, therefore, he could not name any day for bringing the matter under consideration. As the hon. Member had mentioned the term "guarantee," in order to prevent any misconstruction he (Lord Palmerston) would observe that the guarantee contained in the Treaty, would not involve England in the liability of paying one single shilling of the loan, as it was distinctly arranged that the whole revenue of Greece should, in the first instance, be applied to the payment of the interest and the debt, by instalments; so that England could not be called upon unless on the failure of that revenue.

Mr. *Baring* was glad to perceive that his Majesty's Ministers were at length convinced of the impropriety of disposing of the public money without taking the opinion of Parliament. If the discussions upon the Russian Dutch loan had produced such a result, and it was evident they had, no man could fairly regret the time which they had occupied. He confessed he did not really understand the explanation of the noble Lord upon the use of the term "guarantee." All he could then say was, that if there was any guarantee for the payment of money by England, on account of Greece, it would require a great many protocols to make such an arrangement acceptable to the country.

Viscount *Palmerston* denied that the discussions on the Russian Dutch loan had produced the result to which the hon. Member alluded. In point of fact the circumstances of the two cases were quite different. The one was a mere question as to the execution of a treaty in force, or alleged to be in force; but the other involved the ratifications of a treaty of a pecuniary nature, which could only take place with the sanction of Parliament.

RUSSIAN-DUTCH LOAN—CONVENTION.] On the Motion of Lord Althorp, the House resolved itself into Committee upon the Russian-Dutch Loan.

On the question that "It is the opinion of this Committee, that his Majesty be empowered to continue the payments under the Act of the 55th year of George 3rd, agreed to by the treaty of the 19th of May, 1815, between England, Russia, and Holland," being put from the Chair,

Mr. *Mills* said, he had heard nothing either from the noble Lord, the Chancellor of the Exchequer, or any Member of his Majesty's Government, which he thought would justify him in voting for the continuance of the payments to Russia, and therefore he rose to express his dissent from the Resolution, and to move an Amendment with a view of taking the sense of the House upon it. On the late division upon the question then under consideration, the House would recollect he had voted with his Majesty's Ministers. That course he had adopted, because he thought the proposition of the right hon. member for Harwich (Mr. Herries), if carried, would have implied a direct vote of censure upon Ministers, and as he did not think the payment made in January last, at which period it was a matter of doubt whether the actual separation had taken place or not, deserved such an expression of opinion, he withheld his assent from it, and gave his vote to Ministers. Now, however, the case was altered. Holland and Belgium were, he maintained, distinct States; and, as the express agreement in the treaty of 1815 was, that the payments by England should terminate on the "passing away," words which admitted of no doubtful construction, of Belgium from Holland, he thought England was, without the slightest breach either of honour or public faith, *bona fide* exempt from further payments. His Majesty's Ministers, and their supporters, who, by the way, he thought had most unjustifiably impugned the motives of their opponents on the late discussions—meeting, in fact, every argument by unworthy insinuations—had urged that, although by the letter of the treaty the payments might have ceased, yet, in accordance with its spirit, England was bound to continue them. For his part he could not discover any difference between the letter and the spirit of a treaty. If the letter of the treaty was against the continuance of its engagements, it was to all intents and purposes null and void, and ought not to be acted upon. Hon. Members had said much of the necessity of preserving unsullied the national honour of England. That was all very proper, but he (Mr. Mills) had his own individual honour to preserve. And, as he had pledged himself to his constituents that no power on earth should induce him to consent to the expenditure of the public money, if he did not believe it to be due, he could not maintain that pledge by voting for a continuance of the payments to Russia. He thought it not unlikely that his determination to oppose the Resolution would call down upon him the attacks of a certain portion of the public Press. Day after day did some of the public journals attempt to hold up to public indignation the man who, having on some occasions supported Ministers, ventured on others to judge for himself. But he cared not for their attacks, and would console himself under such circumstances with the conviction of having given an honest and conscientious vote. The hon. Member concluded by moving, as an Amendment, that the Chairman do leave the chair.

Lord *Sandon* said, that it was impossible for him to refuse his sanction to the vote proposed by the noble Chancellor of the Exchequer. The consideration for which we originally agreed to pay this sum of money to Russia still existed—namely, the past services of Russia. It appeared to him that the opposition to the measure was urged with the view of exciting the passions of the constituent body throughout the country. He would never believe that the hon. Members who objected to the payment of the money were sincere, until they openly declared, that if they were in office they would not adopt precisely the same course as the present Ministry had pursued. But even if Ministers had on a nice point of law been wrong, he did not think that the House ought, under the circumstances, to censure them. He could not conceive that we were not bound to pay the money, and he had not heard one person of high station say we were not. He would vote, therefore, for Ministers; and he thought he should be able to justify his conduct to his constituents.

Mr. *John Hope* said, he would not consent to vote the money, because the House ought to be put in possession of the documents which had induced the Attorney-General to change his opinion on the question, before they were called upon to vote the money. If the construction put upon the treaty of 1815 by the Ministers were correct, he saw no use whatever in a new Convention, and by entering into a new Convention Ministers had admitted that the Treaty of 1815 was not binding, The origin of the matter was, that Holland and England agreed conjointly to pay a certain sum to Russia, as long as a certain condition was fulfilled, that was no longer fulfilled—Holland had refused to pay, and why should England continue the payment? That condition was, that Belgium should remain united to Holland, and the words *Soustraire a la domination* were as emphatic and explicit as the French language could supply. Belgium had subtracted herself from the domination of Holland. The words obviously did not imply being rent away by a foreign force, but a separation by the will of the Belgians, such as had now taken place. He could find, therefore, in the treaty none of the assumptions on which the Ministers rested their case; It was said, however, that Russia was willing to prevent the separation by force, but the seventh protocol acknowledging the separation was signed by Russia, who was, therefore, as much a party to the separation as England. Holland he conceived had not had fair play, and he, therefore, would vote against the payment of the money till every species of information was laid before the House.

Mr. *Patrick Stewart* expressed his surprise that this question should be again brought forward after it had been so frequently discussed, and although Ministers had on each occasion obtained a proportionally increasing majority. He had no doubt but the result of the debate would be to continue the progression, and to prove that the oftener the subject was discussed, the better it would be understood—and the more complete be the justification of the Government. Whatever might have been the character of the past discussions on this subject, they were then called upon to determine the main question of our continued liability as a contracting party—thus involving the principles of our good faith and national honour. That the House should hesitate on a liability so evident, was matter equally of astonishment and alarm; and that a point so plain should have been encumbered by legal disquisitions, and rendered perplexed by applying to it the principles and arguments of the Jesuits, was an insult to common sense, and a slur upon their honesty. If the mere letter of the fifth article of the Treaty of 1815 were to be followed, we should perhaps be freed from our obligation to Russia; but if other parts of that treaty were taken, and the spirit which pervaded it were taken into consideration, then we were bound to make good the payments it stipulated. What did Russia undertake from which she had swerved, so as to exonerate England from her obligations? She was to identify her policy with that of Great Britain, as regarded Belgium and Holland, and she had done so in the most unequivocal manner. The right hon. Baronet asked what proof had we of this being the spirit of the agreement? He answered, the best possible proof. Not a diplomatic document, perhaps, which was generally a doubtful, and a debateable proof, we had that which could not be misunderstood—Russia's conduct. After acceding to the request of Holland, to send troops to replace Belgium under her dominion, Russia altered her course, solely because, to a similar application, England had given a very different answer. and resolved to act in a different manner, Instead of marching sixty or seventy regiments into the Netherlands, to reduce them to subjection, Russia signed sixty or seventy documents, and ratified the treaty which sprouted forth from that hot bed of protocols, and confirmed the separation desired by England. Was Russia for this attention to the interests of Europe, and this compliance with the expressed wishes of England, to forfeit the advantages of a treaty framed expressly for these objects. If Russia had refused to aid England when applied to for the purpose of settling the dispute betwixt Belgium and Holland, then England would have been fairly exonerated from further payments. When Russia asked for her money, and urged her literal compliance with our wishes, and her departure from the mere letter of the treaty, at our request were we to cast a Shylock glance over the deed, and answer "I cannot find it; 'tis not in the bond"? If the secret history of the debate could be known, it might, perhaps, appear to have originated in a Dutch suggestion. At all events, when Holland lost territory, and asked in vain for its restoration, she had some right to adopt a different interpretation of the clause, but Holland must be suffered to take her own course and protect herself. Our course, as regarded Russia, was the present question, and most assuredly we could not get clear of the payments stipulated for, without incurring a stain which the Baltic itself could not wash away. There was something alarming in the repeated discussions of this important and delicate point, because to doubt in such a matter was to hesitate under temptation, and to hesitate was to be lost. Hon. Members might smile, but credit, like chastity, ought to be unsuspected. With nations, as with individuals, dissensions might arise from yielding to the unworthy and degrading influence of mercenary considerations; and it was not, perhaps, going too far, to say that these payments were the price of peace; of peace for Europe and for the world at large. There was a dangerous temptation connected with this subject, to which some hon. Members had unconsciously yielded. The treaty in question was, undoubtedly, a very inexpedient measure, a sad memorial of those spendthrift days, when, in the words of the hon. member for Thetford, "tens and twenties of millions were thrown away in profusion."* But it was as binding as if graced by wiser and more provident characteristics. The circumstances in which we were placed, our own burdened condition, and our feelings of indignation towards the party claiming our money, ought only to make us doubly anxious to act under a high and liberal interpretation of our bond; and, if there were a doubt, rather to give it against England, preferring honour to a full purse. He could not get up a difficulty on the occasion, or he would willingly do so. Even if he felt a doubt of our liability he should, under the circumstances, give his vote to pay the money, in order to silence for ever the suspicion that might otherwise rest upon our character.

Mr. *Best* said, that the payment of the money was controlled by the treaty of 1815, by which it was made dependent on the union of Holland and Belgium. It was impolitic to agree to the dismemberment of the kingdom of the Netherlands, and he was sure that no British Minister could have promoted such a step. That kingdom had been constituted for the purpose of forming an effectual barrier against French aggression; and unless England promoted the separation whenever it took place, her obligation to pay the money ceased. The payment was now equally condemned by equity and economy.

Mr. *Trevor* would support the motion of the hon. member for Rochester, and contended that England was fully exonerated by the Treaties from paying the money. Ministers ought at least not to withhold further information on the subject, for as the case at present stood all that Ministers said to the House in their justification was, "that if you knew all that we know, you would do exactly what we have done." He had no such confidence in Ministers, and he called upon them to produce papers to justify their conduct before he would consent to vote away the public money.

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* Hansard, (third series) vol. ix. p. 922.

Sir *John Brydges* would not hesitate to support the proposition of the hon. member for Rochester, unless his Majesty's Ministers would lay documents before the House of a nature to enable him to form an opinion upon the case different from that which he at present entertained. He trusted that at the ensuing elections every candidate would be able to produce a list of those Members who had assented to this waste of the public money.

Mr. *Pigott* had no hesitation in opposing the payment, and he considered that the present proposition was nothing more nor less than a vote of confidence in his Majesty's Government. He believed that the money was paid merely to induce Russia to join with France and England in opposing Holland, by severing from her the Netherlands. Let them look to the origin of the engagement. The Dutch, though they had, according to their ability, contributed as zealously as any other power to destroy Napoleon, had for their object to recover their independence and the rank which they had held amongst nations before they fell under the yoke of France. They had no claim on Europe, nor had Europe any on them. It was thought, however, advisable by those who had at that time the destinies of Europe in their hands, to establish a substantial barrier between France and the Rhine. It was thought that this object might be best obtained by the annexation of the Austrian Netherlands to Holland—not for the advantage of Holland, but for the general security of Europe. This annexation, however, was no gratuitous gift to Holland; she purchased it at its full price. Independently of the four valuable colonies added to Great Britain, the Dutch were obliged to expend 2,000,000*l.* for the defence of the Netherlands—an expense rendered necessary in consequence of the destruction of the barrier-fortresses by the emperor Joseph, and without which the new kingdom would have been entirely at the mercy of France. She had paid, moreover, already 1,500,000*l.* sterling, on account of the Russian debt: nor was that all; for the Conference disposed of Luxemburgh as arbitrarily as the rest. The House should bear in mind, that King William held this duchy by an entirely different title from that by which he was king of Holland. He received it in exchange for the hereditary possessions of his family—the younger branch of the house of Nassau, which were given to Prussia. The half of Luxemburgh, by the Treaty of October, was arbitrarily disposed of, and the king of Holland was saddled with considerable payments. Our obligation to Holland appeared to be simply this: for a certain equivalent, we engaged to secure her the dominion of the Austrian Netherlands. After a union of fifteen years, these provinces revolt; negotiations are commenced under the mediation of the five Great Powers to effect an accommodation, and fail. Holland endeavours, by force, to recover her lost ground; France and England interfere by force to prevent her; they insist on separation—not content with simple separation, they impose on Holland conditions which she declares intolerable, and which must prove destructive of her commercial prosperity, if not of her independence; and yet hon. Gentlemen indulged in exaggerated sentiments about our pledges in honour to Russia, whilst they were content to blink the whole question of compensation to Holland, and retain the equivalent which she gave us for the Netherlands. The good sense of the people of England would not be duped by such miserable sophistry. Hon. Members might, with the hon. Member for Middlesex, vote that black was white, but they could not blind the people of England to the real merits of the case. Our national honour was in nowise concerned in this payment; which was only a penalty for the endless blunders of sixty-eight protocols. It was a bribe to induce Russia to consent to the perpetration of gross injustice on Holland, but which the firmness of her brave and free people—whose freedom was not of mushroom growth would, he hoped yet frustrate.

Sir *Richard Vyvyan* took it for granted, from the silence observed by the Gentlemen opposite, that the Government considered the question already disposed of, and that they did not mean to favour the House with further arguments upon the policy or justice of the measure. That was the fourth time a debate upon the question had taken place, but it was the first when they had entered distinctly into the propriety of empowering the Crown to pay the sum demanded under new circumstances. Hitherto the question had not been one of policy, but fact and evidence. In January, his right hon. friend, the member for Harwich, mooted the legal point, and contended, that Ministers had acted against the express provisions of an Act of Parliament; a small majority decided, however, that the transaction was legal. After the Convention had been laid before the House, in which it was declared to be necessary that the King should apply to Parliament to enable him to make the payment, his right hon. friend again deemed it advisable to bring the matter forward; and his Majesty's Ministers again threw themselves upon the fealty of their friends, who affirmed that which the treaty denied in explicit terms. In the course of last week they had to deliberate upon a very narrow and secondary question, but one which naturally introduced a renewed debate upon the entire subject; they had to decide, since evidence was assumed to be in existence, which had determined his Majesty's Government to propose the project of a new loan, whether that evidence was to be produced for the satisfaction of the Members of this House; and up to this moment, so reasonable did this proposition appear, and so extraordinary was the conduct of the Government, in refusing to furnish the necessary documents, that it might be suspected no such papers were in being. Much was then said about national honour, with the view, perhaps, of hindering the House from forming a distinct judgment upon the subject immediately before it. The delusion succeeded; the evidence was refused; and since they had to remain in the dark, their vote of that night could only be based upon such documents as were already before the House. Under these circumstances he should vote against the grant, and he had made up his mind that neither the House nor the country were bound, directly or indirectly, to pay the money in question to Russia. The records he had seen demonstrated, that the payment ought not to be made, that the conditions under which it might have been demanded had passed away, and that, however England might be bound in honour to pay the money somewhere, since she still held possession of those colonies which were considered the equivalent, she was neither compelled in equity, nor according to the clear explanation of the words of an Act of Parliament, or of any treaty furnished to the House, to advance a farthing to Russia. If, hereafter, evidence should be adduced of a nature similar to that which seemed to have made so decided an impression on the feelings of the law-advisers of the Crown, and it should appear that we had promised Russia, under any circumstances, to pay this sum, he would support the grant. Did that Treaty between Great Britain and Holland, which had been so frequently alluded to, still exist, or was it cancelled? He considered himself justified in calling upon the noble Lord at the head of the Foreign Department to state what he had done or proposed to do with that Convention. Holland had a right to ask either for the restitution of the colonies, or for the payment to herself of the equivalent: she was the immediate party, and as she had declined sending her quota towards the interest of the loan sanctioned by Parliament, we must suppose that she had considered the separation of Belgium from the old United Provinces, as a justifiable ground for her refusal to advance the moiety of a payment, the other half of which was defrayed by Great Britain, not on account of Great Britain herself, but on account of a third party to whom Great Britain owed the money. He asked the noble Lord, was this treaty cancelled? The House of Commons were treated with little ceremony about conventions; for they had that night heard the noble Lord decline to present the Greek Treaty, until he was enabled to lay the accompanying protocols on the Table, while he had evinced the greatest eagerness to communicate the general Belgian Treaty to the world, not only without protocols, but without ratifications. He should look most anxiously into the Belgian Treaty, for the manner in which this original Convention between Great Britain and Holland was disposed of; but, whatever the noble Lord might think of its importance, Holland refused to pay the money. She refused, because Belgium had been taken from her—she refused to pay, because the conditions specified in the Act of Parliament which bound the British Government to pay, had not been attended to. If Holland refused to pay, and we did not hear of Russia having made an attack upon Holland for such a refusal, surely England was as much justified in declining to accede to the payment. It was admitted by the hon. member for Stafford on Monday last, that, although Great Britain could in no case be absolved from the payment, Holland was justly entitled to put in her claim; but he added, that, in his opinion, the Dutch had forfeited on account of misgovernment. Who were to be the judges about the good government or misgovernment of independent states or sovereigns? Why were new doctrines, with regard to the right of insurrection, as opposed to that of established government, to be acted upon by those who, at this very moment, were inflicting the most dire calamities that could be imagined by despotic conquerors upon some of their subjects, for an attempt to obtain freedom? Was it impossible, when great and general principles with regard to rights of sovereignty, were simultaneously abandoned in one case, and supported in another, that the determination of those who acted such an inconsistent part, could be respected or admired. It was monstrous that Russia should pretend to arbitrate in this case, after what had lately occurred in Poland. It was glaringly inconsistent in the British Government to admit of any claim on the part of Russia, founded upon an express or implied obligation which was acknowledged at the Congress of Vienna, when, in defiance of treaties then formed, they winked at the destruction of the nationality of Poland. On Monday night one Gentleman said, that England was the cause of the separation between Holland and Belgium, and that Russia was really against it; but as Russia, against her own opinion, had acquiesced, it would be a most dishonest act on the part of England, were she to attempt to free herself from an obligation, by bringing about a separation which would, *ipso facto*, void the obligation. Very just reasoning, no doubt; but was it the fact? Or if it were the fact, was it not necessary that this House should make stricter inquiry into the large question of the separation of Holland from Belgium, which, it now appeared, was brought about by England, and was the object of her own peculiar policy? Another Gentleman stated, that during the progress of the negotiations, Russia had offered to send troops against the French when in Belgium, and that a general war would have been the result of accepting such an offer, but that she desisted at the suggestion of England. Then, it appeared, that the peace of Europe was to be purchased at the expense of this country. If that were the case, we should have paid for a truce, or a short suspension of hostilities. Lasting peace was never so secured. The Treaty of indemnity for colonies given up by Holland was a case entirely between England and Holland. Then, by the tripartite treaty between England, Holland, and Russia, certain sums of money, or a certain sum equally divided, were stated as owing by Holland and England to Russia, during the existence of a certain state of things; and it was distinctly specified in the treaty, and afterwards recapitulated in the Act of Parliament, that in the event of a separation taking place between the two countries then united, the payment was to cease and determine. This was the first documentary evidence clearly demonstrating that England was freed from her obligation. In the course of this evening, a noble Lord, the member for Liverpool, had referred to the tripartite Convention, and told the House that he looked to the preamble of the treaty for an explanation of its spirit. He (Sir Richard Vyvyan) had done the same; and it was distinctly laid down in that preamble, that the Convention was entered into on "the final re-union of Holland and Belgium;" and that the services rendered by the Allies alluded to the liberation of the "said territories." If that hon. Member gave the most liberal interpretation to these words, he must allow that the said territories were Holland and Belgium. But the Allies did not free Holland. The Dutch drove the French out of the open country and the unfortified towns, before the Allies assisted them, and only left the strong places in the hands of the enemy, many of which were not surrendered until long afterwards: Antwerp held out until the surrender of Paris. But the Dutch acted with a patriotic spirit, and were less directly obliged to the Russians than any other country on the Continent. This being the case, how could the noble Lord maintain, that the said territories alluded to in the treaty meant the Seven United Provinces, which were now to be charged with the remunerating debt, indirectly through the equivalent paid by England for their old colonies, and partly, but more immediately, in the moiety defrayed by the king of the Netherlands himself. When the noble Lord, the Chancellor of the Exchequer, brought forward the scheme for a fresh law, to enable him to issue money for these payments, he said, he considered that the separation in question only meant a separation by force; and the noble Lord had adhered to that opinion. An hon. Gentleman, who supported him in this course, referred to the position of Belgium with respect to France, and improved upon the noble Lord's argument by supposing, that, not only did it allude to a separation by force from Holland, but to an annexation to France, declaring that the great object of the Treaty of the Allied Powers at that time was to hinder Belgium from becoming a part of France. Was there one word of that in the treaty? Was there a syllable about it in the Act of Parliament which was based upon the treaty? It must refer to some secret article or treaty drawn up and signed at a distance of above fifteen years. Could there be any danger in producing the article, if such an article existed? Did the noble Lord fear to give umbrage to France by its production, when his friends had so frequently and openly declared, during the course of these debates, that it was against France the whole transaction was marshalled. There was a secret article upon the subject, which had been lately published and referred to frequently—the additional article to the Convention between Great Britain, Russia, and the Netherlands. He would defy the most astute reasoner, the most experienced sophist, to discover in that additional article any doubtful construction which would authorise him to draw the inference, that it was only in the event of a separation by force, and, still more, that it was only in the event of annexation to France, that the payment of that money was to cease and determine. In the first paragraph in the secret article, it was said. 'That, in order to prevent any 'doubts that might hereafter arise with 'respect to its meaning and operation, it is 'expressly stated, that, in the event of a 'part of the Belgian provinces being, at any 'time hereafter, severed from the dominions 'of his Belgian Majesty, a proportionate de'duction from the charge should be calcu'lated according to the population of the 'several districts, and that the residue only 'should be paid.' What a singular reasoner must that man be, who was compelled, by the production of this secret article, to admit that, in the event of the separation of a portion of the dominions of Belgium, a portion of the debt only was to be paid, whilst he maintained, that, if the whole was to be separated from Holland, the whole sum was to be paid. A more manifest contradiction in terms was never submitted to a legislative assembly. The second paragraph of the article said, 'That it is further un'derstood that the invasion and complete 'possession of the said provinces by an 'enemy shall not be considered as deter'mining any portion of the said payment, 'unless continued beyond the period of a 'year.' Could there be no enemy but an external enemy? Were the Belgians, who revolted against the King of Holland, to be looked upon in any other light than as enemies? But even, supposing that the arguments of the noble Lord opposite were just with regard to the separation by force and foreign invasion, he (Sir Richard Vyvyan) would assert that the separation had been by force, nay, that up to this moment, it was not legally effected, but anticipated through force. Was no force thought of when the French troops entered Belgium last year? Was no force thought of when a British fleet was in the Downs ready, on the first orders from the Admiralty, to blockade the Scheldt, or to act in any other manner against Holland. The very arguments advanced by an hon. and learned Gentleman about Russia having suspended marching her troops, or interfering in behalf of Holland against France during that invasion, was an avowal that, had force not been resorted to, a general war would have been the result. He denied, then, in the first instance, that the separation, whether it took place by force, or without force, at all events, if it took place in consequence of any other cause than the free and spontaneous wish of the Sovereign power, could do otherwise than avoid the engagement of paying the money. But, even supposing that the exception contended for by the noble Lord were correct, and that force was necessary in order to avoid the payment, he would then contend, that force had been used, and that the threats of the Conference, the march of the French army, and the preparation of the British fleet, were all indications of force, which, had the king of Holland agreed to the separation, would have been as effective, probably, as if the French had been at Amsterdam and the British at the Texel. He was ready to meet the noble Lord on either ground. If force was necessary, force had been used; if we believed the literal construction of the treaty to be the true one, we were equally bound not to pay. As to the argument of annexation, what mattered it whether Belgium were annexed to France or not, if the Belgian army be officered by the subjects of the French monarch, if the Minister of War at Brussels be a Frenchman, and the new king be allied to France by marriage. By the arrangements now made, and for which England was still to pay, the original objects of the treaty would not be obtained, for French influence would be paramount at Brussels both in the cabinet and in the camp. If there were any such engagements to pay this money to Russia, when a separation had taken place, not by force as was now implied, the Ministers of 1815 must have held one language to Parliament and another to Russia. If there were such an engagement, and we were honourably bound, he would willingly accede to the noble Lord's proposal, but, in the absence of all information on the subject, he must vote against the grant as uncalled for and unsanctioned by either the circumstances of the case or anything known to the House. When he (Sir Richard Vyvyan) had wished to have certain papers relative to this question laid on the Table, the noble Lord had objected to the proposal on the ground that the production of the documents would be inconvenient, as one of the parties interested, Holland, had not acceded to the separation. He, therefore, could only look to the documents before the House for the information which he could get at, and in the absence of further information, he should vote against the Resolution.

Lord *Althorp* reminded the Committee that his Majesty's Ministers had placed the case on the general information of which the House was in possession, and not on the treaty of 1815, or the recent Convention, taken separately. The House was bound to come to a vote upon a consideration of all the circumstances, and not in reference to any particular article of the treaty. His hon. friend who brought forward the Amendment, had said that he would not press his Amendment, if he (Lord Althorp) would state on his honour that there was any secret article binding this country more than it appeared she was bound by the papers on the Table. He certainly was not prepared, however, to say that Gentlemen who were not convinced by the documents already on the Table, and by a consideration of the general circumstances, would have their opinion altered by a perusal of any further documents which it would be possible for the Government to produce. The hon. Baronet (Sir R. Vyvyan) who had just sat down stated that the only ground on which he (Lord Althorp) defended the payment to Russia, was that the separation of Belgium from Holland had not been a severance by a foreign enemy. If he recollected accurately what he had said on a former occasion, the ground that there had not been a severance by a foreign enemy was not the only ground he took. His argument was, that the separation had taken place, not only not against the wish of England, but with the entire sanction and consent of England, and that under such circumstances it would be dishonourable of this country to turn round and say to Russia, "We shall take advantage of the separation which we sanctioned by discontinuing the payments we undertook to make." Though he had been charged with making short speeches on this subject, as this was the fourth night of the debate on the question, he really thought he should best consult his duty, as well as the convenience of the Committee, by refraining from entering at length into the circumstances of the case. Every one who heard him knew the circumstances under which the separation had taken place between Holland and Belgium. The Government of this country had no other way of preventing that separation, but by involving Europe in a general war, and, even had that been done, the separation would probably have taken place ultimately, under circumstances much more disadvantageous to the interests of this country. Looking to all the circumstances of the separation, he thought it was impossible to say that this country was absolved in honour from the payment of this money; and, much as the Government had been censured by hon. Gentlemen opposite, considering the whole transaction as a question not between two countries, but as between men of honour, he did not believe there was a Gentleman in the House who would come to the conclusion that the payment should have been refused.

Mr. *Baring* said the noble Lord (Althorp) had completely lost sight of the great constitutional principle which was involved in this question—a principle which, he contended, had been violated by the payment of this money without the sanction of Parliament. If he recalled the attention of the Committee to this important part of the question, he trusted it would not be supposed that he did so for party purposes, or with a view of harassing Ministers. He certainly should give no more votes on the subject, though the Bill must yet go through many stages, and if he were disposed to act factiously, the present Bill gave him many opportunities. He denied that the discussion on this subject had been carried on in the harassing manner described, and in which it might have been if the Opposition had proceeded upon different principles, particularly with such divisions as had already taken place on it. With respect to the motion for further information, how had it been met? The noble Lord said, that the House was bound to come to a division on the question, not merely with reference to the original treaty and the late Convention, but by a reference to all the circumstances of the case; and yet he objected to the production of those documents from which all the circumstances could be known. He (Mr. Baring) did not deny, that if all the facts were produced, a strong case might be made out to justify the course adopted by Government. All he said was, that in the absence of those facts, no case was made out to justify the payment which had been made. They were now left to decide the question, not upon all the facts, but upon a partial knowledge of facts; and, after a review of the circumstances, he asserted, that, upon the separation of Holland and Belgium, the obligation of this country had ceased by the words of the treaty. England had incurred no obligation to Russia which Holland had not also incurred; and the obligation of Holland having ceased by the severance, there was no obligation remaining on the part of England. The altered circumstances of Belgium prevented the operation of the motives which had originally induced this country to assent to the arrangement. When Belgium was united to Holland, it was contemplated that the former country would stand as a barrier against France; but he denied that Belgium was now to be looked upon as an independent state, forming any thing like a barrier against France. Why, when a question arose, of approaching war with Holland, France was through the Belgian territory, and on the frontier of Holland, almost before the other Powers were aware of it. Under these circumstances, he wished to express his opinion on this subject (he sincerely hoped for the last time), and to enter his protest against the payment made by Government. They might have waited, at all events, until the negotiations for the separation had been concluded. As to the Amendment now before the Committee, he would ask the law officers of the Crown whether they could state, on their honour, that, when they were called upon by Ministers for an opinion as to the legality of the payment, they were furnished with no other information but the articles of the treaty? If it was thought necessary that the hon. and learned Gentlemen should have further information to enable them to form a correct opinion as to the legality of the payment, he asked how it was possible the House should form an opinion in the absence of such additional information? The House should have the same information afforded to it which had been laid before the law officers of the Crown. Without full and satisfactory information, he submitted, that it would be impossible for that House, without a violation of duty, to vote the payment of so large a sum of money. If it was a question of national faith, or that the preservation of national honour depended on it, he admitted that the amount should not be taken into consideration, but that, if it had been five times as great as it actually was, the Government would be bound to call upon Parliament to provide for the payment. He believed, however, that the present state of our finances was not such as would admit of any large payments, not justified by necessity, or by considerations of national honour. In the present state of our finances, the Government ought to be cautious what pecuniary engagements were entered upon. These were not times for money-scattering, though he was afraid from the course of our foreign policy, that the Government was getting into wasteful habits. He was induced particularly to make this observation in reference to what he understood had been done with respect to Greece. An arrangement had been reluctantly agreed to, on a former occasion, to place a prince nearly connected with this country on the throne of Greece. Prince Leopold, however, had since accepted the throne of Belgium, and the Government of this country had now guaranteed the payment of 800,000*l.* to place a young gentleman not out of his teens on the throne of Greece, in which situation he would have to govern (perhaps putting aside our own fellow-subjects of the sister country) the most unmanageable people in the world. It was the bounden duty of that House to have a parliamentary justification of the course which had been pursued, and he contended that such parliamentary justification had not hitherto been made out. He was not influenced by any factious motive or any desire to embarrass the Government, but he should heartily support the Motion of the hon. member for Rochester.

Mr. *Stanley* said, that the hon. Gentleman who had just sat down, had, in stating his view of the Committee, displayed all the ingenuity, and, at the same time, all the inconsistency of argument, for which he was usually distinguished. At the first outset, the hon. Gentleman, the member for Thetford, spoke of this question as one in which the Committee was not to be governed by mere pecuniary consideration, and in voting upon which hon. Members ought not to be influenced by party feeling, or by a regard for popularity: and yet the beginning, the middle, and, he might almost say, the end of the hon. Gentleman's speech was an argument founded upon this, that the pecuniary consideration, involved in this question, would have great weight with the constituents of hon. Gentlemen, on the hustings, at the next election. Now, that hon. Gentleman, who was so earnest and disinterested an opponent of a money-scattering administration, who had such a holy horror of all jobbing in loans, that hon. Gentleman himself, the member for Thetford, was well aware that there was not one of those money-squandering loans, not even that in which England was to become the guarantee for Greece, but had been entered into by the money-squandering Gentlemen around the hon. member for Thetford. The hon. Gentleman, who looked with such a holy horror upon the acts of what he called a money-scattering Government, had omitted to state that there was not one of those acts which was not done in pursuance of the engagements entered into by the money-scattering Government which preceded the present Ministers, which engagements were as deliberately and as solemnly objected to upon principle at the time, by the noble Lord now at the head of his Majesty's Government, as they were conscientiously fulfilled by him, now that he found himself no longer the organ of his own independent opinion, but placed at the head of the policy of this great country, and bound to ratify the engagements which he had objected to at the time of their formation. He stood now pledged to the honour of the country. He stood by the ratification and confirmation of the principle established by others. It was not for those who had entered into the treaty—who had bound the country to the payment of those sums to Russia—now to cavil at the Government —now to contend against the ratification of their own engagements, by the Gentlemen who have succeeded them in office, and to whom they have left the embarrassments necessarily arising from such treaties. The hon. member for Thetford declared, that he was not actuated by factious motives in his opposition to the Government upon this question. Surely no one suspected the hon. Member of being a party to a factious opposition. If such a suspicion could by possibility enter into the mind of any man, would it not be at once removed by a perusal of the speech which the hon. member for Thetford made in January last. The hon. Gentleman now told the House, that there were various ways of looking at this question—first, the pecuniary consideration, which God forbid he should permit to occupy his mind, and then the great constitutional principle, which alone was deserving of attention. On the 26th of January the hon. Gentleman, who, it seemed, was gifted with prophecy, but whose prophecies sometimes failed, told the House, that 'he should be ashamed of himself if he al'lowed his opinions on such a case as this to be 'biassed by any feelings of party. He as'sured hon. Gentlemen that he had no such 'feeling on this occasion. He looked upon 'the question—first, as a question of good 'faith upon our part, and if any case were 'made out to show that, in good faith, we 'were bound to pay this sum, or that, in 'point of honour, though not in law, we 'ought to continue what we had stipulated, 'he could not support the Motion*.' The hon. Member further told the House, he could make no distinction between the pecuniary and the constitutional question, but, that, if it sanctioned the interpretation put by his Majesty's Government upon the treaty, and afterwards fell into the inconsistency of refusing to ratify it, the effect would be to render it unsafe for any other power in Europe to deal with this country. He agreed with the hon. Gentleman, that such a course of policy would render it unsafe for any other power to deal with us. But, as the House then sanctioned the fulfilment of the treaty by a division, and as it had since, by three divisions, testified its approbation of the fulfilment of the treaty, could the hon. Gentleman, who had no wish to embarrass the Government, call upon the House to turn round and to declare by its vote, that it would hereafter be unsafe for any foreign government to deal with England? But, the hon. Gentleman said, that in the former vote the House acted under a misapprehension, that the Government felt a doubt themselves as to the obligations of the treaty, and referred it to the law officers; and that their opinion was, that the treaty itself was against the conclusion adopted by his Majesty's Government. It was so; but on looking over the documents connected with the Treaty of 1815, they changed their opinion, and stated, that, which all who had well considered the question must admit, as far as a nation could be bound by the spirit of any treaty, we were bound to make good our engagement to Russia. It was perfectly true, and no man could doubt, that, by the bare letter of the Treaty of 1815, the separation of Belgium from Holland would release this country from its obligation to pay that which it had guaranteed; but then the object of the treaty, and the negotiations connected with it, would show, beyond any doubt, that in honour and equity, as between nation and nation, our obligation to pay still continued after the severance of the two countries; reference being also had to the circumstances under which that severance took place. The hon. Member had asked for the other documents on which the decision of the law officers was made. His noble friend (Lord Althorp) had already said, that there was no secret treaty, that there were no documents which could enable the House to form any other opinion than might be come to from those already before the House. The Ministers rested upon those documents—upon that general knowledge of the subject which was in the possession of every Member, and which was now matter of history. The hon. Member had asked, whether his hon. and learned friend, the Attorney General, would pledge his honour, that the documents submitted to him were sufficient to make a case to justify the payment? The answer he (Mr. Stanley) made was, that there were no other documents but those before the House. But as it seemed the fashion to put questions in that way, let him put it to the honour of the hon. Gentleman, whether, on the papers which were before the House, he was prepared to say that this country was not bound to fulfil the treaty. If they who knew the engagements that subsisted when the present Government came into office, were prepared to say, as men of honour, that there was no obligation upon this country to pay the money, then, he admitted, they would be entitled to call upon the Government for further explanations of the grounds upon which they proceeded; but if they felt, as he was sure they must feel, that the country was bound hand and foot by an honourable engagement, out of which this country could not go, without rendering it unsafe for other countries to deal with her, then let them disembarrass themselves of the pecuniary part of the question—for such was really the ground upon which they were proceeding—and meet the question upon the broad constitutional principle — namely, that the faith of England was pledged, and that we were bound to redeem it. The right hon. Baronet had stated, on a former evening, that this was a sort of mixed engagement, arising out of a former engagement. It was true, that it was a mixed engagement, and it arose out of the impossibility of reconciling the letter and the spirit of the former engagement. To clear up any doubt on the wording of the former treaty, the latter was entered into, and on that Ministers felt it necessary to come to the House. Hon. Gentlemen said that this was an engagement entered into with Holland, and ought to be construed alone with reference to that country. Good God! could any man who looked at the great struggle of 1815—that struggle in which England, and her whole resources, were involved—that struggle in which all Europe ultimately joined—that glorious struggle which terminated in the overthrow of a power that threatened the destruction of every vestige of freedom in the civilized world—would any man tell him that it was carried on for the purpose of annexing a few provinces to Holland? Would any man tell him that its object was not to quench the ambition of France, whose energies were directed by such a conqueror as the world never saw before—a conqueror who threatened the safety of every state throughout the civilized globe? Would any man tell him that the object of the vital struggle was merely the attaching of the Netherlands to Holland? What were the terms of the treaty? That the payment should cease when Belgium was separated from Holland. But what species of severance was meant? Evidently a severance contrary to the will of Russia and of England. Looking to the preamble of the treaty, and looking to the declaration of Lord Castlereagh in Parliament, who said, that even in the case of those countries being severed, still the payment should be made to Russia, it was clear that such was the meaning of the contracting parties. Lord Liverpool also expressed the same opinion, in a long and laboured statement.* He did not look, he said, to a mere narrow view of the question; but, considering what Russia had suffered—considering the exhaustion of her finances—considering the destruction of Moscow—he would appeal, not to the strict justice of England, but to her high-minded liberality, to act with a beneficent feeling towards Russia. It was not on account of colonies which this country held by the right of conquest, that such a stipulation was entered into. No; it was in consequence of the strenuous exertions made by Russia at a period of extremity and danger, when this country was threatened with war and invasion. England was then rescued, (as Lord Liverpool said) by these exertions, from a knowledge, except an historical knowledge, of war, and London, perhaps, from pillage.* It was on these grounds that Lord Liverpool supported a treaty which the present Government were so much blamed for upholding. Yes, they were denounced as a money-scattering Government, because they adhered to the spirit of that treaty. But Gentlemen said, " this question does not depend on the statements of those who made the treaty; no, we must be guided by documents, and by documents alone." Why, it was quite evident from those documents, that the great object of the treaty was, to afford a suitable return to Russia for the heavy expense incurred by that Power in recovering those provinces from the enemy. Holland had a distinct interest in their recovery—England had a distinct interest in their recovery. And who was the enemy there designated? There could be no enemy but France. If this were not so, why expend 2,000,000*l.* on the erection of frontier fortresses to protect those provinces against the incursion of France? What was the language of Earl Grey on that occasion? That language he was proud to quote, because it fully sustained the policy which the Government was now acting on. That noble Earl said, 'he considered the money 'employed in the repairs of fortresses on 'the frontiers as entirely thrown away. As 'a measure of defence or for any other good 'purpose it was perfectly nugatory.'† 'It 'would have been better,' the noble Earl added, 'to have left the sovereign of 'Holland his colonies, and to have given 'the Netherlands to some third power 'capable of defending them.'‡ And what had now been done? Surely it was better to secure the guarantee of the five great Powers against the invasion of Belgium, which this treaty did secure, than, for that purpose, to force a monarch on an unwilling people, and to expend money for the erection of fortresses which could not be maintained. Holland felt the uselessness of the barrier, but did she or did Europe feel the uselessness of the other guarantee? The hon. Gentleman, to whose arguments he was now replying, was a great prophet, and, on a former occasion, he prophesied that it would be a miracle if the Government could preserve the peace of Europe for a twelvemonth. Two years nearly had passed since that prediction, and yet the peace of Europe remained undisturbed. He prophesied that the French fleet would never leave the Tagus, nor the French army leave Belgium. But the French fleet had left the Tagus, and the French army had left Belgium, leaving it to the Congress to confirm the independence of the newly-created kingdom; and this at a time when barriers were of no use, and Holland could not employ them in her defence. With what did the hon. Gentleman now find fault? He censured the Government because it had interfered to settle the differences between two contending powers, whose quarrel, if not amicably settled, was likely to engender war all over the continent. The slightest reflection must convince every man, he contended, that the barrier-fortresses of 1815 could not prevent the occupation of Belgium, when France had such powerful allies, in the national antipathies which existed on the part of Belgium towards the dominion of Holland. What, then, was the intention of his Majesty's present Ministers? Why, it was to accomplish that—the independence of Belgium—which their predecessors had attempted. Let not the odium be thrown on the present Government, of severing Holland from Belgium. That had taken place before the hon. Gentlemen opposite had left office. They had acknowledged that no power could reunite these jarring elements, which they had endeavoured to unite by strong fortresses, but which the strong power of national antipathy had torn asunder in such a manner as never to be rejoined. Not on the present Government could be thrown the responsibility of endeavouring to separate Holland and Belgium. The present Ministers would gladly have consolidated the union, but they found it severed in such a way, that it only remained for them to adjust the terms of the separation. Nothing but war could have forced them again into union, and such a war, involving all Europe, would have cost a sum, to which the sum now in discussion was ridiculous and contemptible. Were the Ministers, therefore, to go to Russia, and call on it to interfere and enforce the union, or lose the money we had agreed to pay? Were they thus to have called upon Russia to make that war, which would have been so expensive, and which it was the great object of all the powers of Europe to avoid? Russia having fulfilled her engagements to the letter, were they now to say, to that Power, "we will not grant you this 1,800,000*l.*, instrumental as you have been in preserving the peace of Europe?" The Ministers were taunted with bad faith, because they did not state that they had entered into a new treaty with Russia; but that country did not like to ratify the Convention, till it was also able to ratify the treaty which separated Belgium and Holland; and on that account the incomplete treaty could not be mentioned. But was that a breach of faith, or were they to be called a money-scattering Government, and charged with improvidence, because they wished to carry into effect that which (if Gentlemen chose so to denominate them) their "improvident" predecessors had countenanced and recommended? Were they to be censured, if they endeavoured to keep up the good faith of the country, which, God forbid, should ever, in their hands, be tarnished or broken? "Why," it was asked, "should you enter into new engagements?" The answer was obvious. Those who advised this course were of opinion that if doubt existed, Russia should, through the authority of Parliament, receive that security which she fairly deserved. They had entered into a new treaty, because the letter of the old treaty did not coincide with the spirit. Russia did not ask for a new treaty till it had fulfilled, to the letter, the treaty for the separation of Belgium. But, then, it was said, "the treaty guaranteed the payment, though Russia was at war with us," and it was asked, "would you subsidize an enemy?" In this case we had only to look to one point—was that enemy an enemy to Belgium? This country would not be freed from her engagement, unless Russia showed herself hostile to our policy with respect to Belgium. In the first instance, the policy of this country was to promote a union between Holland and Belgium; subsequently circumstances rendered separation necessary. In neither case had Russia dissented from our policy, and, therefore, she had a right to call for the fulfilment of our engagement. It was, however, said, that if the situation of Holland was changed, England was no longer bound by the contract; he denied this. And then came the question, were the views of Holland the same as those of England? They manifestly were not. Holland was anxious for an extension of her territory, but that was not the wish or desire of England. Her object was to secure the independence of Belgium against the ambition of France, and thereby to prevent a general war throughout Europe. He had not meant to trouble the House so long, on a question which had been placed in so much better hands than his, but he could not help calling the attention of the House to the speech of the hon. Gentleman, which contained many things entirely contrary to his former declarations. The hon. Gentleman had said, that he did not wish to embarrass Ministers—that he had no desire of appealing through that House to the hustings—yet the whole tenor of his speech had evidently a tendency to both the one and the other. He (Mr. Stanley) had felt it to be his duty to point out the fallacies which the hon. Gentleman had advanced, and to express a hope, that, as his former predictions had not been fulfilled, either in the letter or the spirit, those of the present evening would turn out to be equally unfortunate. He hoped that this engagement with Russia would still continue to be fulfilled, and that England, by an inviolable adherence to the real, and honest, and frank, and open interpretation of her treaties, would ever continue to uphold her national faith throughout the world.

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* Hansard (third series) vol. ix. p. 926-927.

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* Hansard, vol. xxxi. p. 718-743.

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* Hansard, vol. xxxi. p. 722.

† Ibid. p. 721.

‡ Ibid. p. 723.

Sir *George Murray* said, this was the first time he had attempted to address the House upon this question, and he should not have risen upon the present occasion were it not for the taunts so often thrown out by the hon. Gentleman opposite, that no Member privately, and as a man of honour, could say he differed from Ministers upon this question. He rose to state shortly the reasons why he thought that no person, either as a man of honour or in fulfilment of a Treaty, was bound to vote for the payment of the money. He might be wrong, but this was the opinion he conscientiously entertained. It could not be his object to make an appeal to the hustings, for he was ignorant of the sentiments of his constituents upon this subject. It could not be supposed, therefore, that he was making an appeal to the next election. The right hon. Gentleman (Mr. Stanley) began his speech by accusing his (Sir G. Murray's) hon. friend (Mr. Baring) of inconsistency in argument. Nowhere, however, was so much inconsistency to be discovered as in the course of the varied arguments adopted by the Government throughout the whole consideration of this question. In January, when the legality of the payments was questioned, it was said, that they were not strictly due under the treaty. The House was told by the law officers of the Crown that they would be illegal according to the strict letter of the treaty, but other documents submitted to them rendered the legality of the payments indisputable. Now they were told, however, by the noble Lord (Lord Althorp) that these documents did not exist, although it was repeatedly stated, in the very last discussion on the subject, by the Attorney General, that he had seen documents which had satisfied his mind as to the obligation which was imposed upon the country of continuing these payments. The noble Lord now said, that he founded his opinion on no other documents than those on the Table of the House, and on that general knowledge which all Gentlemen might be supposed to have of the subject. Could anything be more inconsistent, or opposite than these two statements? Some Gentlemen had made it matter of reproach that this was the fourth night of this discussion, and that it was merely an adjourned debate. That man, he was of opinion, could have little discrimination who could confound together the four different debates on this subject. The first debate in January turned upon the question, whether it was legal or illegal to make the payments, without a further sanction from Parliament; and in what manner was the legality of the payments defended? Not by the terms of the treaty, but by those documents which the law officers stated that they had seen, acknowledging that the law did not, without these documents, authorize those payments which the Government had taken upon themselves to make, without coming to Parliament. Subsequently to that debate, they took another view of the case, and suspended the payments, even after the vote of the House of Commons in January. The debate of the other night, raised by his hon. friend (Mr. Baring), sprung from a motion for the production of those papers on which the former question had entirely hinged. He asked to see those documents and was refused; yet he was now told, that they were violating the faith and tarnishing the honour of the country, unless they supported a treaty which, when taken by itself, had been considered by the law officers, as not authorizing the payments. The right hon. Gentleman had also accused his opponents of seeking to make this a mere pecuniary discussion, and of endeavouring, for the sake of popular favour, to cast upon Ministers the imputation of being a "money-scattering" Government. But what course did the right hon. Gentleman himself take? Why, he wished to take the very course himself, which he accused his opponents of taking, and sought to cast upon Gentlemen on this side, the imputation of being a money-scattering Government. The right hon. Gentleman was not, however, successful, for not one Gentleman near him had been a Member of the Cabinet, which, according to the right hon. Gentleman, scattered the public money in these treaties having reference to the Netherlands. If there were any individuals in the House more immediately connected with that money-scattering Government than others, they were the colleagues of the right hon. Gentleman, the noble Lord on his left (Lord Palmerston) who although not actually in the Cabinet, was a Member of that Government, and the right hon. member for Inverness-shire. Upon these individuals and others, the imputation must recoil which the right hon. Gentleman had endeavoured in vain to cast upon his opponents. The right hon. Gentleman had also referred to the case of Greece as an instance of the money-scattering disposition of the late Government; but when the proper opportunity arrived he should be able to show, that if there had been any money improvidently scattered in that quarter, the imputation must rest upon that Government which first interfered with Greece, and upon the present more than on the late Administration. Among the several topics touched upon by the right hon. Gentleman, all wide of the present question; no one appeared more unconnected with the subject before the House, than the question he put with respect to the late war with France, a subject into which he travelled a considerable way. The right hon. Gentleman asked the House, whether the sole object of that war had been to annex a few paltry provinces to Holland? Certainly, there were other objects of far greater importance to be attained—the invasion of this country was contemplated, and on the point of being attempted by the enemy; and the great objects of the war were, to provide for our own security, and to check, effectually, the overweening and grasping ambition of France, and we succeeded. But how did matters stand now? What was this bridle which the right hon. Gentleman said had been put into the mouth of France by the present Ministers? What was the obstacle that had been thrown in her way, and the barrier which had been raised against her reviving ambition? Why a little dependent state, more like the sovereignty of one of the petty Rajahs in the East Indies, subject to the control of the East-India Company, than to an independent kingdom—a state immediately in the dependence, and almost under the dominion of France, and every day connecting itself more and more closely with her—a mere nominal power in Europe, whose armies were officered by Frenchmen, almost in the same way that those of the Rajahs, to whom he had alluded, were officered by Englishmen; and yet this was the barrier which the right hon. Gentleman had told the House was to be opposed to the ambition of France, and to be our security against the renewal of attempts such as those of the greatest conqueror that the world had ever seen. The right hon. Gentleman had further stated, that Holland had, in point of fact, nothing to do with the treaty now under discussion. This country and Holland were the only parties to the Treaty of 1814; which, be it remembered, was the source and origin of all the other treaties connected with the present question. We became bound by that treaty for the payment of 1,000,000*l.*, with reference to a claim on the part of Sweden for giving up Guadaloupe; for the payment of 2,000,000*l.*, with reference to the construction of fortresses in the Netherlands; and also for a further sum of 3,000,000*l.*, to bear, equally with Holland, 'such 'further charges as may be agreed upon 'by the said parties and their allies, 'towards the final and satisfactory arrangement of the Low Countries, on 'condition that the payment shall not 'exceed, in the whole, the sum of three 'millions of money, to be defrayed by 'Great Britain. In consideration of the 'above claim, as stated by his Britannic 'Majesty, the King of the Netherlands 'agrees to give the Cape of Good Hope, '&c. upon condition nevertheless,' and so on. The right hon. Gentleman seemed to think that the Treaty of 1815 affected merely Russia and Great Britain, and that Holland had no concern whatever with it. This was, however, a mere assertion of the right hon. Gentleman; for it was expressly stated in that treaty, that the obligations of it should cease and determine, if the sovereignty of Belgium shall pass away from Holland. They were not, it was said, to interpret this treaty by the letter, but by the spirit. Where was that spirit to be found? Where was the evidence that the letter and the spirit did not agree? The law officers of the Crown said, that the spirit was to be found in the documents submitted to them, Then let the House see those papers, and examine whether the spirit contended for by his Majesty's Ministers really was there. The noble Lord (Lord Palmerston) on a former occasion said, that the spirit of the treaty was to be inferred from the speeches of noble Lords who were members of the Administration at the time it was formed; but his interpretation of these speeches was one which they were never intended to bear by those who spoke them. Was that spirit, differing from the letter of the treaty, to be found in the speeches of Lord Castlereagh? He had looked over those speeches, but could not discover that they sanctioned such an interpretation of the treaty as that which was contended for by his Majesty's Ministers. If Lord Liverpool's, and Lord Castlereagh's speeches were taken together, and read throughout, they would not enable the noble Lord to construe the treaty, in that sense which his Majesty's Ministers contended for. Lord Castlereagh, after having stated that nothing could be so little congenial to British feelings as to apply the rights of war rigidly to Holland, and retain possession of the Dutch colonies without giving an equivalent, alluded to this Russian loan, and said, that our payments would be suspended if, by any circumstance, the Netherlands should be separated from Holland. The noble Lord afterwards added, these payments, 'as he had before stated, would 'only be continued so long as the Nether'lands were separated from France, and 'would cease if the Orange family should 'unfortunately be displaced.*' Could there be in any part of my Lord Castlereagh's speeches, an opinion so diametrically opposite to that which was here distinctly expressed, as to favour that spirit which the right hon. Gentleman, and the noble Lord sought to find in these speeches of the Ministers of the day, at variance with the letter of the treaty? There was no possibility of misapprehending the intention of that treaty. The right hon. Gentleman had alluded to the opinion of Lord Grey upon the policy of this treaty, and to his Lordship's declaration, that he would have been better satisfied if he had seen the Belgic Provinces connected with some one of the great Powers of Europe. But were not hon. Gentlemen aware, that Austria was extremely glad to cast off her connexion with these provinces, because the cost of protecting them against the continual attacks of France, was greater than their real value to Austria? Did the right hon. Gentleman, then, or Lord Grey suppose, that Prussia was so little acquainted with her own interests, and so little warned by the example of Austria, as to be anxious to obtain the possession of this burthensome and expensive country? The right hon. Gentleman could not think that Belgium ought to have been given to Russia, or that it would have been accepted by Russia, for it was absurd to imagine that that Power could maintain a possession at such a distance, which, though Austria was nearer, she found it convenient to relinquish. In short, it would be quite impossible to find, amongst the Great Powers, any one which would accept the possession of these provinces, unless it altogether neglected and lost sight of its own interests. No Englishman could wish to connect them with Britain. No blame rested, therefore, with the Allied Powers for uniting these provinces with Holland; while they took good care to bind Russia to assist in preserving that connexion. The right hon. Gentleman had asked, was it argued that we ought to have called upon Russia to go to war after Belgium had been separated from Holland? Certainly not; but was there no other mode of connecting the interests of these provinces with the interests of Holland?—no means of satisfying the conditions of the treaty, than by the present arrangement, which was one of the most dangerous possible? His Majesty's Ministers said, that the spirit of the Treaty of 1815 was this—that Russia should bind herself at all times to the policy of England with reference to the Netherlands. Was it possible to suppose that, in a treaty in which there were three parties—Holland, Russia, and England—the real but hidden spirit of the treaty could be, that Great Britain and Russia should have the power to turn round upon Holland and strip her of these provinces, whenever it suited their caprice or their interest. That would imply a complete abandonment of everything like national faith and individual honour. The ostensible object was, to unite Belgium to Holland in the closest manner; and yet Ministers would have the House believe that there was a private arrangement between Russia and Great Britain to the prejudice of Holland, and to combine against her whenever they pleased. If the statements of Ministers were correct, Russia would appear to have the most convenient system of policy in the world. According to the noble Lord (Lord Palmerston), in 1815, the policy of Russia was, to keep Belgium and Holland disunited, and the policy of Great Britain was to join them; and we purchased the assent of Russia to our policy by the obligations which had originated the payments now under discussion. But when, in 1831, Great Britain changed her policy, and adopted that of disuniting these two portions of the Low Countries, then Russia turned round and said,—"Oh! I have also changed my policy now, and you must purchase my assent over again, or I must march troops, according to our former agreement, to keep these countries together; for, although your present policy was mine originally, I have since changed my foreign policy alogether." Some importance had been attached to the separate article of the Treaty of 1815, which, it was said justified the interpretation of the treaty given by his Majesty's Ministers. On looking to that article, he could find no such justification. The article began by saying, that it was drawn up in order to prevent any mistakes with respect to the meaning and the operation of the 5th article of the treaty itself; and, therefore, one would naturally suppose that, if there existed any possibility of disagreement between the letter and the spirit of the treaty, it would be pointed out and reconciled by this separate article. The very words of the separate article, however, as he read them, confirmed the letter of the original treaty; for the first part of it stated that, in case any portion of the Belgian territory shall be severed or pass away from Holland, then there shall be a proportionate reduction in the amount of the payments. The material inference, therefore, was, that if the whole of the Belgian territory passed away, the whole of the payment should in future cease. The other part of the separate article contained a provision that, in the event of the separation taking place by violence, (which clearly showed that the Allied Powers contemplated other causes of separation), the payment should not cease until a year after the separation; and if, at the end of that time, the provinces separated should be in part restored, then the payment should be resumed and continued in proportion to the value of the territory in which the king of the Netherlands shall have been re-established. The whole of this article then went to show that there was no hidden meaning, and that there was no discrepancy whatsoever between the letter and the spirit of the treaty, but that both exactly and entirely accorded with one another. But, although he was of opinion that the old Convention was at an end, that need not prevent its being shown by his Majesty's Ministers, that we were still under such obligations to Russia, as made it necessary, if we wished to act honourably, to make a new Convention with her. They were, however, bound to show to Parliament on what grounds the claim of Russia was now founded. Lord Liverpool stated, in 1815, that there was, even then, no right on the part of Russia, but that she had a claim on the liberality of the people of this country. What claim had she now upon our liberality? There were two points which ought to be established by his Majesty's Government:—first, that Russia had a just claim to such an exercise of liberality on the part of Great Britain; and next, that the finances of Great Britain were in a condition to admit of our exercising that liberality. In addition to this, his Majesty's Ministers were bound to show, also that their policy with regard to our relations with foreign powers was of that nature, that the House could give approbation to it. On all these grounds he meant to resist the Motion of the noble Lord, and to vote in favour of the Amendment of the hon. member for Rochester. There was no obligation imposed upon this country by the old treaty; nor any one act, on the part of Russia, had been stated satisfactorily to the House, which entitled her to a new claim on the liberality of this country. He was satisfied that our finances were in such a condition, as made it incumbent upon every Gentleman to look very closely into a claim of this nature, on whatsoever grounds it might be founded. The right hon. Gentleman was pleased to accuse Gentlemen on the opposition side of the House of bringing forward this question upon party grounds, and with a view to supersede the present Government in office. Surely the right hon. Gentleman must be under a strange delusion to believe that any one could wish to take the reins of Government at the present moment, pledged to carry on the policy of the right hon. Gentleman and his colleagues. What statesman would like to succeed to the tithe plan for Ireland as laid down by the right hon. Gentleman. After encouraging the people to believe that tithes were to be extinguished, the right hon. Gentleman turned round upon them and declared that the word extinction was never used to signify that the tithes were to be abolished. The people, however, had taken him at his word, and the expression of the right hon. Gentleman had been literally fulfilled in that unfortunate country. Who would wish to become responsible for the management of the colonies, already in rebellion, brought on by the indiscreet Order in Council issued by the present Government, the only object of which seemed to be, to overstep the former Administration? And did the right hon. Gentleman suppose there was any Gentleman on his side of the House, or, indeed, on any side, solicitous of relieving the existing Administration from their financial embarrassment? Was the memorable Budget of the Government yet forgotten? Could the fructifying scheme of the right hon. Gentleman opposite ever pass from the recollection of the House? Perhaps it might be imagined that some Gentleman might wish to supplant the present First Lord of the Admiralty in managing the naval affairs of the kingdom. He knew of no higher object of ambition than the attainment of such a post; but what would be the fate of him who should follow the right hon. Baronet in that office? Perhaps he might find orders issued for a fleet to be got in readiness to sail, in conjunction with a French fleet, to attack our old and most faithful ally. If there was one country with which Great Britain should wish pre-eminently to be in alliance it was Holland. Between the people of the two countries there would always be one strong tie, their common attachment to rational freedom. He hoped that this attachment would always continue in the breasts of both people, and that it would be the guiding policy of this country before the world. He called upon the Government to give them documents to satisfy their minds as to the true spirit of the treaty, if they called upon them to vote in a sense directly contrary to what was expressed upon the face of the instrument. Even those hon. Gentlemen who voted with Ministers were not satisfied of the propriety of their conduct, as was apparent by the declaration of the hon. member for Middlesex, who had frankly told them he would vote for any thing, however wrong, rather than vote against the Government. This was an obligation which the hon. Gentleman might impose upon himself, but others might not feel themselves at liberty to do so, and it certainly was not a good compliment to the Government. He had spoken his opinions from no other motive than a desire to do his duty fairly and conscientiously to his constituents and to the country, and he was determined to vote as he felt on this question.

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* Hansard, xxx, p. 746, 747.

Mr. *Stanley* thought it scarcely necessary for him to reply to that statement of the right hon. Baronet with respect to the declaration that tithes were to be extinguished. That statement he had over and over again refuted—refuted to the satisfaction of the House. He should not have trespassed again on their attention, but for the allusions of the right hon. Baronet to that part of the empire with which he was more particularly connected. The right hon. Baronet had spoken of the state of Ireland. He would tell that right hon. Baronet, and he defied him to gainsay it, that Ireland was in an infinitely better state than when he came into office. Aye, he repeated that it was in every respect in a more peaceable and prosperous state than when the present Ministry took on themselves the Government. He said it, and the right hon. Gentleman who had been at the head of affairs in that country (Sir H. Hardinge) was present to hear it, that there was less danger to be apprehended from the people of Ireland at the present moment than when the Government of that country was handed over to him. At that time the Bank of Ireland was fortified, the towns were garrisoned, the fortresses were provisioned, and even the troops stationed on the coast had their instructions with respect to the places on which they were to fall back in the event of commotion. He did not say, that the right hon. Baronet (Sir Henry Hardinge) had not done his duty as a good Governor and a skilful soldier for the preservation of the public peace; but he maintained that the state of Ireland was such, that the Government must have been glad of the opportunity to give it up to their opponents. He would not enter into the other questions touched on by the right hon. Baronet, for they did not belong to his department; but this he might say, that the Navy never had been in a more effective state than at present, although the expenses had been reduced upwards of a million in eighteen months; and as to the colonies, he apprehended, from the papers left in the Colonial Office, that measures were in contemplation by the former Government not very different from those attempted by their successors. The Government need not be taunted by the right hon. Baronet with the present state of public affairs, for he apprehended that if the right hon. Baronet's party were to succeed them now, they would succeed to infinitely less difficulty and embarrassment in every department than the right hon. Baronet and his colleagues had left to them, whether they looked to the policy pursued at home or abroad, to Ireland or the Colonies, to trade or to finance.

Sir *George Murray* defied the right hon. Gentleman to point out any document left in the Colonial Office during the time he was at the head of the department, which either sanctioned anything like the discriminating scale of duties, or proposed to impose on the colonists absurd and impracticable regulations on the subject of the quantity of razors, and shoes, and hats, to be given to the negroes.

Sir *Henry Hardinge* said, that having been so pointedly alluded to by the right hon. Gentleman opposite on this occasion, he could not avoid addressing a few words to the Committee, in reference to the statement of that hon. Gentleman with respect to Ireland. He would venture to assert, that the present state of Ireland would not admit of a comparison with the state of Ireland in the latter part of the year 1830, when he had the honour to be connected with the Government of that country. It was quite true, that, during the three months he had filled the office of Chief Secretary there, he had in consequence of the events which had then recently occurred in Paris and Brussels, taken precautions to preserve the peace and tranquillity of Ireland, and that he had, with that view placed the military forces there in a proper and effective state; but he would defy the right hon. Gentleman to say, that, while he remained in that office, there were any such illegal meetings going on then as they now witnessed in Ireland. He would venture to assert, that there had been more turbulence and disturbances in Ireland, indirectly encouraged, as such things had been, by the measures adopted by the Government for the purpose of carrying Reform, and that more blood had been spilt in civil commotions there during the last six months, than there had been during the fifteen years preceding. Indeed, whether they looked at Ireland or England, they would find that more blood had been spilt during that period (of which Bristol and Nottingham furnished instances) than during the fifteen antecedent years. When assemblages of 50,000 and 60,000 men, for illegal purposes, were allowed to take place in Ireland, and were allowed to take place until lately with impunity, it was impossible for any man intending to make an honest admission on the subject, not to allow that Ireland was now in a worse condition than it ever had been before. It was not his fault that reference had been made to this subject: he had been driven to it by the assertions of the right hon. Gentleman. He begged to say, in conclusion, that he would vote for the Amendment of the hon. member for Rochester, as he thought that Ministers ought to produce to the House those papers on which the opinions given by the law officers of the Crown had been founded.

The *Solicitor General* said, that it was the right hon. Gentleman opposite (Sir George Murray), and not his right hon. friend (Mr. Stanley), who had first introduced the question of the state of Ireland into this discussion. He (the Solicitor General) had not before this occasion opened his lips in that House on this question, and as to what had fallen from his hon. and learned colleague (the Attorney General) on a former occasion, in reference to it, he only begged to observe, that the statement then made by his hon. colleague was considered by a majority of that House as a triumphant answer to the objections of hon Gentlemen opposite. He would only add that the treaty made in November, 1831, referred to the treaty made in 1815, and that they could not do justice to the policy of it, or to the case made with regard to it, without going back to that treaty. It was plain on the face of that treaty, that Russia had a clear claim to this money; and it was equally plain that the circumstances connected with the separation of Belgium from Holland, did not in any way release us from the obligation of its payment. He maintained, in conclusion, that the good faith and the honour of the country required us to pay this money; and he was sure, he said, that, under such circumstances, the House would support his Majesty's Ministers in discharging such a national obligation.

Mr. *Baring* said, that as the hon. and learned Gentleman had spoken of the negotiations which had taken place with Russia on this subject, he wished to know, whether it was on such documents the hon. and learned Gentleman had given his opinion as a law adviser of the Crown?

The *Solicitor General* said, that when he gave the legal opinion alluded to, it was founded on the treaty itself, and on no additional documents whatever.

Sir *Robert Inglis* said, as the storm which had raged for the last hour had subsided, he would take the liberty of addressing the Committee upon the question before it. He did not mean to follow his right hon. friend opposite through the various topics of domestic and foreign policy, not immediately bearing on the question under discussion, which were introduced, not, indeed, by him, though noticed by him in the course of his last address. His right hon. friend had left himself unguarded upon two or three points, a fact of which at the time, indeed, he appeared to be conscious. The foundation of his right hon. friend's argument was, that he and his colleagues were carrying into effect the stipulations of a treaty. This was begging the whole question; the question was not whether we, on this side of the House, or hon. Members on the other side, were most willing to carry into effect obligations which this country had incurred, but whether any obligation existed at all in the present case. Then his right hon. friend asked, and here again he answered himself, whether the object for which England had expended so much blood and treasure in the war which the treaties of 1815 closed, was the attaching "a few paltry provinces to Holland?" This was a point upon which he dwelt with considerable force, being encouraged by the notes of triumph which cheered him on. He would tell his right hon. friend, that it was on account of these very provinces that the best blood of Europe had, during two centuries, been expended. The proper disposition of these provinces had always been considered a point of the utmost importance with reference to the establishment of the balance of power in Europe. Did his right hon. friend mean to recommend himself and his colleagues to our ally, the king of the Belgians, by describing the country which they had given to him as a paltry province? Again, he said, that this Government found

Holland and Belgium separated; but he (Sir Robert Inglis) would contend that the separation had been effected by the present policy of England. Could any man doubt, that if England had not interfered in the quarrel, the Dutch army, when purged from the infusion of the Belgic soldiers, who turned their backs on the enemy when they came in sight of them, would have been able to recover possession of the Belgic provinces? His right hon. friend alleged as a proof of the successful policy of the noble Secretary for Foreign Affairs, that this country was now at peace at the end of nearly two years during which he had been in office. On what day was this declaration made? On the 20th of July—the critical day when, according to a late declaration, war might have broken out between Holland and Belgium—a war in which, if begun, England must, too, have probably joined. True, this question was not one of pounds, shillings and pence—it was not a money question, the only question for the House to consider was, whether the national character was at all pledged? It was now admitted, on all hands, that there was no obligation on us to pay this money, according to the letter of the treaty; and all they (the Opposition) required was, to be allowed to see the documents which would connect the spirit of the treaty with the obligation which his right hon. friend said existed. The noble Secretary for Foreign Affairs said, that we had urged the separation of Belgium from Holland, and ought not, therefore, to take advantage of our own act to relieve ourselves from the payment of the money to Russia. The Solicitor General stated, in express terms, that we had ourselves broken the condition. The noble Lord at the head of the Government in this House declared, that the severance of Belgium from Holland took place in compliance with the wish of England, and, therefore, we could not take advantage of the circumstance to relieve ourselves from the obligation. Out of this statement of facts, a question arose which had not yet been answered—namely, if England cannot take advantage of the severance to withhold the payment of the money, can Russia, who was also a party to the severance, take advantage of it to claim payment? But, said the hon. member for Stafford, taking a totally new ground, the king of Holland has governed Belgium in such a way as to render it impossible for us to fulfil the conditions of the Treaty of 1815—we could not maintain the union of the two branches of his kingdom. Without entering into detail with respect to the character and conduct of the king of Holland, he would observe, that there prevailed in that House, and throughout the country, the greatest misconception as to the policy of that prince. He well understood why the bigots and infidels in every part of Europe should be united against the king of Holland; but he was at a loss to conceive how indifference could prevail in that House to the efforts which that great man our Protestant ally, now made to defend his country against the united attack of bigots and infidels. He (Sir R. Inglis) felt desirous of supporting the king of Holland as a Protestant prince, and his wishes in this respect were in accordance with the policy pursued by this country for the first 150 years after the frame of European society was first established. Since that period our policy had been changed, but we had gained nothing by the alteration. The perfect union which existed at the present moment between the king of Holland and his people was unparalleled in the history of modern times. Never did a monarch reign over a people so united with each other, and with him. The people of Holland were prepared to make any sacrifices in support of the cause in which they were engaged. He was sorry that these discussions had proceeded so far, without eliciting from the House an expression of sympathy for the fortunes of such a people and such a king. True, this question was not altogether one of national character; if it were, he would avail himself of the opportunity of showing how little claim Belgium had ever possessed, since the time of Julius Cæsar, to any distinct national existence, and, consequently, character. How different was this in respect to Holland. It had been well observed by a late illustrious ornament of our country, that Holland had always been found our bravest enemy in war, and our firmest friend in peace. It was against this people that Ministers were directing all the efforts of their policy. They were endeavouring in every way to humble and depress a country which was, at the present moment, the great support of Protestant freedom in Continental Europe. Perhaps, on this very day the fate of Holland would be decided. He grieved to think that it was possible that our country might be engaged in a war in which he could hardly wish for her success. If his views of the character and conduct of the king of Holland and his people were correct, no advantage would result to those who might endeavour to crush such a monarch and such a people. It was his opinion, that Ministers ought to produce such information as was necessary to enable the House to come to a satisfactory decision on the subject. He entirely concurred in the vote censuring the conduct of Ministers in January for having violated an express Act of Parliament embodying the treaty in question. He as readily concurred in the vote last week, requiring the production of papers which might have shown that the spirit of that treaty was different from its letter, and justified and required the conduct of Ministers. He was ready to repeat those votes; but when he felt that, practically, the question now before the Committee was, whether, by their votes that night, they should affirm that the amount of the loan was not due to Russia, he was not prepared to give such a vote, or to deny that, under all the circumstances of the case with the new Convention on the Table, the money was due; and, therefore, though without evidence, he would not affirm it, yet he would not on the other hand deny it, and should, therefore, reserve his vote for another occasion.

Mr. *Hunt* said, that he, looking upon the present question as a party question, and though, if he had the casting vote, he should certainly give it against this grant of the public money of this country, yet, if he thought that his so voting would be to turn out the present Government in order to restore the hon. Gentlemen who sat near him to place, he should pause in giving that vote against the present Government. Therefore it was, that, thinking as he did, that this was a question between two conflicting parties in this House, he would not swell the ranks of either. An hon. Member near him had said, this was *à la Hume*. Now he (Mr. Hunt) would not say that black was white, as the hon. member for Middlesex had said, nor would he vote, as the hon. member for Middlesex had done, against his conscience?

Mr. *Hume*, in explanation, begged to say, that in voting he had always acted consistently, and had ever given a reason for giving his vote on any particular question, and he only hoped every hon. Member would do the same. He should be glad to know, what would be said by the constituency if hon. Gentlemen were all to adopt the course of the hon. member for Preston, and leave the House without voting.

Mr. *Hunt:* I never will vote against my conscience, and say so. If I were to vote with his Majesty's Ministers on this occasion, I should vote against my conscience, and therefore I will not vote at all; and, in doing so, I shall best fulfil my duty to my constituents.

Sir *Robert Peel* did not rise for the purpose of arbitrating between the two hon. Members. Indeed, he should have great difficulty in deciding which of the two was taking the most unparliamentary course. The hon. member for Preston had, however, relieved him from considerable apprehension, by stating, that he would not vote on the same side with himself (Sir R. Peel) and his hon. friends; for, after the avowal of the hon. Gentleman on the subject of national faith, he began to entertain some fear lest he should be found in the division on the same side with the hon. member for Preston. With respect to the question immediately before the Committee, very little remained to be said; the subject was completely exhausted, and he had already stated, in his former speeches, the impression on his mind. He must, however, allude to one of the extraneous topics introduced by the right hon. Secretary for Ireland, connected with foreign policy. The right. hon. Gentleman, in contending that there was no occasion for the production of papers in the present instance, and that the House ought to be content with the declaration of Ministers, referred to a particular case in a manner which shewed that his recollection of the subject was imperfect. The right hon. Gentleman stated, that the present Government had found themselves bound hand and foot by the engagements of their predecessors, who consented to guarantee a loan of 800,000*l.* in aid of Prince Leopold, on his election to the throne of Greece. The right hon. Gentleman had no right to say, that the hands of himself and coadjutors were tied by the last Ministers. They were no parties to the original Treaty of 1827; but when they came into office, they found themselves compelled to fulfil the treaties made by their predecessors. The Duke of Wellington, in 1830, three years after the treaty had been made, and not very long after he came into power, was engaged in the consideration of the Greek question. Prince Otho of Bavaria was then proposed as the sovereign of Greece, and the Duke of Wellington objected to the appointment of that prince on account of his youth, he being then not more than fourteen. After considerable discussion, the Powers parties to the treaty agreed to the nomination of Prince Leopold, and the question of pecuniary aid was proposed. The Duke of Wellington said, the Government of England had never given pecuniary aid in such a case, and refused to accede to the proposition. Prince Leopold then applied to the three Sovereigns, and declared he would not accept the throne of Greece, unless the money was advanced. The Government of the Duke of Wellington being anxious to establish a sovereign on the throne of Greece, did, at last, reluctantly concur with Russia and France, rather than, by withholding their consent from the proposed arrangement, deprive Greece of the services of Prince Leopold, and separate the policy of this country from that of France and Russia. The right hon. Secretary might have contended, that the present Government found themselves bound to guarantee a loan to Prince Leopold; but he was not warranted in saying, that they were pledged by the acts of a former Government to guarantee a loan to any other prince. To come to the question immediately before the Committee, he admitted that it was a case involved in considerable difficulty. He could conceive, that circumstances might be established, which would compel him to acquiesce in the payment of the money to Russia. He had some doubts as to whom the money was payable, and as to the justice of the arrangements into which this country was about to enter. These doubts might, however, be removed by explanation; and he must say, that, while England retained possession of the colonies wrested from Holland, she ought not to be very astute in finding reasons for excepting herself from the terms of her contract. With the information at present before the House, he was not prepared to state, whether the payments were due to Holland or to Russia, but to one or other they were, in his opinion, due. If his vote were to imply a decided opinion that the money was not due to Russia, he would not give it. The right hon. Gentleman assented —and it was an important admission—to the opinion he had formerly expressed, that the obligation of this country arose out of mixed considerations. His impression was, that there was a doubtful claim on this country, arising out of the Convention of 1815; but he had admitted that there might be other considerations, independently of the Convention, which would justify Ministers in promising to pay the money to Russia; that if they could show him that the payment of this money would enable them to maintain the peace of Europe, and to bring the pending negotiations to a satisfactory conclusion, he was prepared to give them his support. But why did the Ministers press a vote, when they were unable to give the House satisfaction upon these points? It was clear from the right hon. Gentleman's admission, that this question depended on mixed considerations; but he objected to being called upon to confirm the arrangement until he was satisfied by the production of documents of the extent of each of these mixed considerations. The negotiations were not complete, and they were, perhaps, the most important for the honour of England, for the independence of small states, and for the general tranquillity of Europe, in which this country was ever engaged. The right hon. Gentleman said, that the Government which preceded the present determined on the separation of Belgium from Holland. Here again he was incorrect. The former Ministers were called upon to interfere as mediators. In compliance with the treaty of 1815, the king of Holland applied to the great Powers for counsel. England at once told him, that she was not prepared to assist him in re-establishing by force his authority over Belgium; but when the late Ministers left office, it had never been decided that Belgium must, of necessity, be transferred from the dominion of the house of Nassau. He had even some recollection that the present Prime Minister had been taunted in the Belgic Chamber of Deputies for having expressed a hope which pervaded almost every British mind, that Belgium might be established as a separate kingdom under the authority of a prince of that illustrious family. That alone was sufficient to prove, that the complete independence of Belgium of the house of Orange, was not decided upon when the present Ministers entered office. But further, at the very time when he and his colleagues resigned office, an hon. Gentleman (Sir J. C. Hobhouse) had a notice of a motion in the Book, the object of which was, to compel the Government to explain their supposed conduct, in favouring, not the separation of Belgium from Holland, but the king of Holland against his revolted subjects. But to return to the ground on which he objected to being pledged to the arrangement now proposed—namely, that he was in possession of no information respecting the negotiations which were now being carried on. What course had the Government pursued with respect to Greece? The loan to Prince Otho had been guaranteed for a considerable time, and yet the House had not been called upon to ratify the treaty; and the reason assigned by the noble Lord for this delay was, that Government wished first to lay upon the Table of the House every protocol connected with the negotiations. If Ministers pursued this conduct with respect to the Greek loan, why did they call upon the House to sanction the proposed arrangement with respect to Russia, without information. It might be said, that the money was now due, but it had been due in July, and was not then paid. No further payment would be due until January; by which time, in all probability, pending negotiations would be brought to a close. Why, then, force the House now to express an opinion? He could not conceive what answer could be made to this question, in a parliamentary point of view. Was there ever an instance in which Parliament had been called upon to vote public money, arising out of negotiations, whilst they were yet pending? During the time these negotiations had been carried on, he and his friends had abstained from expressing any opinion concerning them, and had brought forward no motion calculated to embarrass the Government. And yet, before the negotiations were concluded, the Government called upon the House to vote the money. He made no objection to the amount. He did not deny that his impression was, that there might be good and sufficient reason for the payment of this money, although it was not to be found on the face of the treaty; but he contended that it was contrary to all parliamentary custom, to call upon the House to pronounce an opinion on the subject before it was put into possession of any information. The object of the arrangement professedly was, to induce Russia to unite her policy with ours, to preserve the balance of power and the peace of Europe. He asked, whether the measures which Ministers were pursuing were likely to preserve the peace of Europe? In the second article of the treaty, now upon the table, Russia engaged, if the arrangements at present agreed upon should be endangered, not to enter into other arrangements without the concurrence of England. The arrangements were in danger at the present moment. Negotiations, it might be said, were yet pending; but, if that were a complete answer against the giving of information, it was also complete against calling upon the House to vote the money. Had the ratifications of the Treaties of 1831 been accompanied by any reserve? If so, ought this important point to be concealed? In the whole of Europe, the English House of Commons was the only place where no information was to be obtained on these points. Communications had been made to the Chambers of Holland and Belgium; every foreign newspaper had contained authentic copies of documents, which were most important in explaining the policy pursued at different periods of the negotiations: the House of Commons, however, possessed not a tittle of information on the subject. This course was according to precedent, because the negotiations were pending; but it was equally in conformity with precedent that, under these circumstances, the House ought not to be called upon to pledge itself to the payment of the money. It had been stated in an official newspaper, published in Holland, that Russia accompanied the ratification with an important reserve. The treaty before the House contained twenty-four articles, the execution of which was guaranteed by the contracting parties; but those articles, as far as the distribution of territory was concerned, could not be acted upon until Holland and Belgium should sign and ratify another treaty. The first question, then, was, had Belgium and Holland signed the treaty, on which the execution of the other depends? The answer was, no; they had not. Under these circumstances, it was practising a delusion on Parliament to talk of the treaty being ratified. It was well known that Holland insisted on the modification of three articles contained in this treaty. She insisted on not being compelled to abandon Luxembourg—on not being compelled to permit the free access of Belgic navigation to artificial canals—and on not being compelled to permit the Belgians to make the military roads through the new territories assigned to them. It was premature to enter into the question, whether Holland was right or wrong in insisting on these points; but it was a notorious fact, that Russia had accompanied her ratification of the treaty with this reserve—that Holland shall not be compelled to consent to the articles which she objected to. This, he might remark, was a proof that the policy of

Russia was not concurrent with ours. It was evident that, if this reservation of Russia were insisted upon, it would be fatal to the treaty, and, therefore, it was not treating the House fairly to make the dry statement, that Russia had ratified the treaty, without informing it whether her ratification was accompanied with such a reservation. The House ought, also, to be made acquainted with the reasons why the treaty was not ratified at the appointed time. It was stipulated that the ratifications should be exchanged within six weeks after the signing of the Convention. The signatures were affixed to the Convention on the 16th of November, but, from a paper signed by Mr. Pemberton, by order of the Lords of the Treasury, it appeared that the ratifications were not received on the 4th of June. That was an additional proof that the policy of Russia was not concurrent with our own. Was it so, when Russia ratified with a reservation? Did that reservation still exist? If so, was it consistent with our policy? It was a mere mockery of the functions of the House of Commons to require it to fulfil the conditions of this Convention, whilst Ministers were unable to explain the state in which the negotiations stood at the present moment. It had been justly observed by his hon. friend, the member for the University of Oxford, that this was a critical day. The 20th of July was the day, by which it had been intimated to Holland by France and England, that the treaty must be signed. This, at least, was understood to be the case. Documents had been published, which contained a threat, that force would be applied to compel Holland to give her consent to the treaty. Holland said, that she would ratify the treaty, provided the articles to which she objected were altered. The Conference replied, "You shall ratify first, and try to get the articles altered afterwards." Holland very naturally objected to this arrangement, because she thought, that when she applied to Belgium to alter the objectionable articles, Belgium would reply, that the treaty had been ratified, and Holland must be bound by it. This was the state of the case; and the House of Commons ought to have been consulted before any naval armament was undertaken, or any demonstration of a warlike nature made. The House of Commons had a right to know the causes of war, if war were intended: and he considered a hostile attack upon Holland, by whatever name qualified, substantially the same as war. The right hon. Secretary for Ireland had taken a rather sanguine view of our domestic affairs, and plumed himself particularly on the improved condition of Ireland at present, as compared with that of 1830. He should not envy him the merit of any success which might have attended his efforts to ameliorate the condition of that country, if he could bring himself to believe that it had taken place; but, from all the information which he had the means of procuring with regard to the state of Ireland, he was induced to think, that that country was never in a situation calculated to excite greater alarm, than at the present moment. But with respect to foreign affairs, with respect to those countries which were the immediate subject of consideration, we could not long be kept in suspense. Peace or war had arrived, which must, within a very short time, terminate, either in peace, or in an interruption of peace. Again, then, he said, let them consider well the ground of war; if war they were about to have with Holland—war to compel her, against her will, to do something inconsistent with her honour, or with her independence. Beware of that. England had before been in alliance with France against Holland. Remember the relation in which she had stood towards that country—remember the period—that disgraceful period — in the reign of Charles 2nd, from the year 1670 to the peace of Nimeguen in 1678, look to the alliance between England and France at that disgraceful period; remember the terms of that alliance, and the relations in which we had stood towards France, and towards the House of Nassau. He remembered the indignant terms in which Mr. Fox spoke of the disgraceful and unnatural alliances which this country entered into with France at that period. He said, that his blood boiled at the contemplation of the disgraceful policy which was pursued by this country. He conjured the Ministers to satisfy the House, if they were about to enter into alliance with any power, to coerce a third, of the justice of that alliance. Let them bear in mind what could be done by a gallant people attached to freedom, who now seemed to rally round their sovereign with the unanimous determination to encounter every extremity, rather than submit to injustice or disgrace. Remember the siege of Haarlem — remember the exploits that had been achieved on that and numberless other occasions by the same gallant nation. Before Ministers asked the House to sanction a new crusade against Holland, implying approbation of their policy, let them accede, at least, to this reasonable request, that, they would either afford the House information respecting the nature of our foreign relations, or postpone this vote. These were the grounds upon which he protested against being made a judge in the question at present before the House. He had not the necessary information to enable him to give a vote upon it. The present agony and crisis of Holland was not the time for calling upon the House for a ratification of this treaty. Let it be remembered, that this vote was for the postponement of the question, and not for its rejection. The course which he, for one, should pursue, should the House determine to ratify this treaty, would be, to vote a negative, and leave the responsibility of the transaction upon those who proposed it; but with a solemn protest, on his part, against the unfairness and injustice of the proceeding.

Viscount *Palmerston* was disposed to notice, in addressing himself to the speech of the right hon. Baronet, first, that part of it which related to a topic incidentally introduced into this discussion—the subject of Greece and of the Greek loan, because not only that which had fallen from him, but that which had been stated by others, rendered it absolutely necessary that he should make some observations upon the subject. The right hon. Baronet misunderstood his right hon. friend when he said, that the present Government was bound, hand and foot, by the acts of their predecessors; for his right hon. friend applied that observation to Belgium rather than to Greece; but, nevertheless, he was disposed to adopt that observation with respect to Greece also, because if any one would look at the papers and other documents of the late Government, he would find, that that Government did take upon itself to say that it would guarantee a loan to Greece. It would be seen, in one of the protocols, that the three Powers did guarantee a loan to be advanced to Greece, the amount of which, however, was not specified by that protocol. But that protocol was communicated to the provisional government of Greece, by the three Powers engaging to guarantee to that state a loan; and, he conceived, upon an examination of this document, that the present Government succeeded to the obligation thus contracted by the last Government; and that it was not in its power fairly and honourably to shrink from that obligation. But if it was necessary to show to the House, that, in the opinion of the last Government, a pecuniary advance was requisite for the purpose of supporting the independence of Greece, it was equally necessary to refer to those facts which would demonstrate, that, in the opinion of the late Government, it was not a personal advance to Prince Leopold but to the Greek state; for, upon the resignation of prince Leopold, when, strictly speaking, the loan would have ceased, the late Government did, in October, 1830, sanction an advance of money to Greece. The sum of 20,000*l.* was advanced on that occasion by each of the three Powers, which it was agreed should be repaid out of the loan when contracted, or, in the event of a loan not being contracted, then it was to be repaid out of any other resources of which Greece might be possessed. He said, therefore, that it was an engagement on the part of the three Powers to make an advance to the Greek state, and not simply to the person of prince Leopold. When Ministers had been so much taken to task, for making advances of money without coming to Parliament for its sanction, he could not help remarking that the instance which he had just mentioned was a precedent set by those who now took them to task, for though the sum was not a very large one, yet the principle involved in its advance was the same. But, then, it was said prince Leopold was a good choice, having the qualifications of age and experience; but that now we had got a young gentleman not out of his teens. All he could say was, that prince Otho of Bavaria was within one year of the age when he might be sovereign of Bavaria—that he was a member of a royal family, of one of the most considerable of the minor states in Germany—and connected with a country in which a constitutional form of government exists, which was, in his opinion, a great consideration for Greece. He was able to say, that the choice had been very acceptable to Greece, and had been received with satisfaction by all parties in that country. But they were asked why pursue one course with respect to the Greek treaty, and another course with respect to the Russian-Dutch loan? With regard to the Greek treaty, Ministers did not come to Parliament: while, with respect to the Russian-Dutch loan, they had submitted the whole matter to Parliament. The reason was obvious. It was impossible to explain the grounds of a new engagement, by merely showing Parliament the continuation of those papers which the late Government had produced to this House, up to a certain period; but with respect to the Russian-Dutch loan, that had received the sanction of Parliament in 1815, and the papers already laid before Parliament contained reasons sufficient to justify it. He could not admit, that this was a question which turned upon mixed considerations, though it did appear, that it had received very mixed consideration on the other side of the House; for his honourable friend who had proposed the adjournment, agreed to the payment of this money in January, but objected to our payment in July; whilst others had condemned the payment in January, and would sanction it in July. There were others, again, still opposed to both these modes of proceeding; therefore, it certainly was a question most mixed. With respect to the question itself, it rested upon the terms of the documents, which were entirely in the possession of the House, and upon which the question must, and ought to be, decided. In the Convention of 1815, might be seen the terms upon which this loan was contracted. It was there stated, as clearly as language could express, that it was for the past services performed by Russia in the course of the war. Those services were to be paid for by Holland. The Allies had equal claims; but those claims having been deferred to Russia, Holland paid to Russia that which otherwise would have been paid to Austria, Russia, and Prussia. She took upon herself to pay Russia 50,000,000 of florins. It was true that the way in which we became concerned in that transaction was, that we had some colonies in our possession which had been captured from Holland during the war. We had a right to retain those colonies, and it was an act of generosity on our part to make any compensation for them to Holland; and we should only have been induced to do so, because that compensation was to be applied to purposes, not merely for the advantage of Holland, but for the advantage of England too, and for the preservation of peace, and the maintenance of the balance of power. This must not be considered as simply a question of bargain and sale between Holland and England, under which we bought certain colonies from Holland, because we agreed to lay out 2,000,000*l.* on the erection of frontier fortresses, and to pay 3,000,000*l.* to Russia. It was not a mere transaction between this country and Holland for the purchase of her colonies, but we were pursuing British objects, and seeking to secure British interests. Then came the question as to the condition upon which this money was to be paid to Russia, which had been already so fully discussed, and in which discussion, it was proved that the condition had reference not to the separation of Belgium from Holland, in the way in which it had been separated, but to a separation to be affected by hostile force. The very words of the Treaty—separated and passed away, proved this, the words of the original were *seraient soustraits*; so that the expressions bore not that they should be withdrawn merely, but that it was contemplated that they should be withdrawn by some other agency, and not by themselves. That treaty was made in 1815—Buonaparte having not long before landed in France from Elba, and every body believing that we were again upon the eve of general war, which would be undertaken upon principles of ambition and conquest similar to those upon which Belgium had before been called upon by France to ally herself with that power. It was, therefore perfectly obvious by whom the separation was to be effected; that it was to be effected by the invasion of the arms of France, under Buonaparte, against whom the powers of Europe had confederated together, because it was incompatible with the peace of those States that Belgium should be united with France. But it was said that, although it might be no longer a question whether this money was to be paid, still it was a doubt to whom it was really due. Gentlemen on the other side stated "We want to know whether this money is not due to Holland." But he (Lord Palmerston) should like to know upon what pretence it was due to Holland? Our transaction was with Russia — we bound ourselves to Russia to pay the money which was to be paid in Holland itself. What, then, was it proposed to do? Was it that we were to make a Dutch payment to the Dutch themselves? But upon what principle was Holland for the first time, to look for the payment to her? He was quite at a loss to conceive the logical connexion by which Gentlemen arrived at this conclusion from the premises from which they started. Did they mean to say, that this money ought to be paid to Holland, in consideration of our retaining her colonies? Holland had not the shadow of a right to have her colonies restored, or the money paid to her, even if that money had been agreed to be paid by England on account merely of her having retained those colonies. For had the two parties made such a bargain, they must have abided by it as it stood; for there was no possible pretence, fifteen years after a bargain had been made, if that which had been received, and which was at the time a full equivalent for what was given up, had since been taken away, for reclaiming that which had been given up. Suppose that we had lost one of these colonies by the invasion of a foreign enemy, or by internal rebellion, should we have gone to Holland, and have said, "You must return us a portion of the 5,000,000*l.* we have paid to Russia, because of the colony we have lost?" She would have laughed us to scorn. Neither was there any ground for the converse of that proposition; because she had lost Belgium, in consequence of her unfortunate mode of governing that country, she had no right, at the end of fifteen years, to come and claim at our hands the money which we had paid already, and therefore there could be no question as to whom this money was due. Either it was due to Russia, or to nobody at all; and, therefore, as the right hon. Baronet admitted that a debt really existed, he had a right to claim the vote of the right hon. Baronet; or if he only entertained a doubt upon the subject, he ought to resolve that doubt in a manner most consistent with the good faith and honour of this country. However, the right hon. Baronet stated that this question was prematurely brought under the consideration of the House, and that it ought to be postponed until we received the result of those negotiations which were still pending. But the two transactions were essentially distinct. The question here was, whether there had taken place such a separation of Belgium from Holland, as entitled Great Britain to continue the payment of this money? Either it had taken place, or it had not; if not, then the former treaty was in existance, and the payment must continue; but if it had taken place, then Ministers were entitled to come to Parliament to require their sanction to a new treaty for the purpose of removing any doubts upon the subject? But was the separation consummated? Why, it was contended, on a former occasion, that not only did the separation exist, but that that separation had existed even in the early part of the last year. But no man could now doubt that separation, since it had been recognized, not only by this country, but also by Russia, and the other parties to the treaty of separation. The right hon. Gentleman asked whether there was no reservation as to the ratification of the treaty? No reservations existed as to the question of erecting Belgium into an independent state—an Act which the twenty-four articles had done; therefore, as far as this question turned upon the point—whether a separation had taken place or not—that question was decided in the affirmative, and that separation was warranted and recognized by Russia and by her guarantee. But, then, it was said, "We should like to know whether Russia has performed her part of the engagement, by making her policy, in this matter, conform to the policy of England." The best proof of that was, that Russia had adopted and ratified that treaty; because if any body attended to the existing relations of Russia with the House of Nassau, it must be obvious to him that it could not be agreeable to Russia to become a party to an arrangement by which that Power had suffered so much. Therefore, he would say Russia had fulfilled her engagement with this country. As to the cause of the separation of Belgium from Holland, he had never asserted, either that his Majesty's present Government were the cause of it, or that the last Government were the cause. Both Governments had found the separation effected by the force of circumstances; and they acted wisely in not having recourse to means for reestablishing a union, which, owing to the discord existing between the two nations, and the repugnance of the two nations, could not have been long maintained. The peace of Europe would have been infallibly interrupted if any attempt had been made to reunite Belgium with Holland. But Ministers were asked whether they did not, in the first place, say that the Prince of Nassau should continue Sovereign of Belgium. Most unquestionably they did; and it was not till after the lapse of a considerable time, that the British Government gave up the attempt to bring about that object, not by the dictation of the

British Government, or of the Allied Powers, but by the people of Belgium themselves, who were supposed, at one time, to be disposed to elect the Prince of Orange. That election was prevented by the same cause that still prevented the settlement of the question, by the disinclination, on the part of that personage, without whose consent the Prince of Orange could not have accepted the Crown, and which personage would not consent that the Prince of Orange should wear the Crown of Belgium separate from that of Holland. But the separation which had been effected, and which had been sanctioned, though not created, by the British Government, was an arrangement the best calculated to carry into effect those great principles of European security which were attempted to be established in 1815. His Majesty's Government had tried to create a barrier in the Netherlands by uniting the Dutch nation with Belgium; but it had been found that the difference of feeling existing between the two people had prevented that nominal union from becoming a real union. And it was obvious to everybody, that a kingdom consisting of two nations, having between themselves the principles of repulsion instead of attraction, existed not for strength, but weakness. It was a mistake to suppose that there was not in Belgium a high national feeling; it was a mistake to suppose that Belgium was not satisfied with independence, and anxious to maintain it. The hon. member for Thetford had uttered his prophecies. He (Lord Palmerston) would also prophesy. He would venture to predict that the present independence of Belgium, founded, as it was upon national feeling, resting upon national interests, supported by the people, and by a sovereign whom the people had chosen—that sovereign sanctioned and guranteed by the European Powers, and by France among the others; he would venture to predict that that would be found an arrangement more stable and more effectual to its purpose than the arrangement made in 1815. Ministers had accomplished British objects, and consulted and secured British interests by this arrangement; these being precisely the same objects for which we, in 1815, engaged to pay the Russian-Dutch loan, in the payment of which the maintenance of the good faith and national policy of this country consisted. It was said, that Holland would never agree to some of the arrangements proposed. The right hon. Baronet seemed not to have read the protocols which were lying on his table, with his usual attention, when he conceived that Holland had those grounds of objection which he had described, or that we claimed for Belgium a right to make a military road through Holland, or to navigate artificial canals. The right hon. Gentleman was mistaken in a most essential respect as to the articles of the proposed treaty. The object of the treaty, first of all, was to secure to Holland the territoral extent which she possessed in 1770; but it was also to place Holland, in point of territory, in a better situation than that in which she stood before. For that purpose it was arranged, that, by exchange, a part of the Belgian provinces should go to the King of Holland, who either as King of Holland, or as Grand Duke of Luxemburgh, would have a right, by the possession of that conceded territory, to cut off Belgium from all communication with Germany, which had hitherto been her great land outlet. In order to prevent that, a stipulation was made, that Holland should grant to Belgium, not the right to construct military roads, but the right of commercial communications, through a portion of that territory which was conceded by Belgium to Holland. This made the greatest difference in the world in the mode of stating the case. All over Germany the several states had reciprocal rights of passing through one another's territories for the purposes of commerce. There was a material difference between a military and a commercial road. Then with regard to the canals, the right hon. Gentleman was mistaken as to these being artificial canals. There were some artificial canals, which though not used in common with other nations, it would be perfectly for the interests of these two equally to navigate; and this had been stipulated for without the slightest objection being made by either party. But there was a common island which formed a natural channel, about seven or eight miles in length; and it was the right of passing through that channel, which the Dutch, at the present moment, objected to. But that was not an artificial channel, but a natural river; and, like the Scheldt and the Rhine, discharged itself into the sea. But it was said, was it not hard to impose upon Holland these conditions, whether they be of importance or not? In answer to that he would state that these conditions were of the utmost importance for Belgium; and were as much for the advantage of

Holland herself; for if Holland could have Belgium still entirely united to herself, that would undoubtedly be the best connexion for the interests of both; but if that were impossible—and every Dutchman repudiated the connexion quite as much as the Belgians themselves—what was the next best thing? Was it that Belgium should be partitioned; what would be the advantage to Holland? She would get one or two dissatisfied provinces, and France would get all the rest. Could that constitute a sufficient frontier between France and Holland? No; it would be bad policy to act upon such a system. It was well for Holland that there should be interposed an entirely independent kingdom; and the independence of Belgium, guaranteed by France, would be a more effectual barrier than could be formed by any other arrangement; and her interest would rather be promoted by it than any hurt could be sustained by the right of the Belgians to enter their privileged canals. This ought to be acceded to, in order to afford Belgium means of existence; and those means were entirely dependent on her commerce. The Dutch would be a commercial nation, and they would wish to exclude Belgium from the German markets, looking upon her in the character of a commercial rival. They thought also, that they would be consulting their own interests by excluding Belgium from any communication by sea; and thus, if Belgium were hermetically sealed, both by land and by sea, they imagined the interests of Holland would be, in proportion, promoted. They wished Belgium to be separated from Holland, and also from the rest of the world. But there was commerce enough for all. Unless Belgium had these roads by land, and also the power of using these waters, she would be placed in a situation in which it would be absolutely impossible for her to maintain her independence, or to pay that portion of the Dutch debt which it had been stipulated she should bear. It was also in consideration of these very points, and the facilities of obtaining these land and water communications, that a larger portion of the joint debt had been thrown upon Belgium than she would have been otherwise bound to support; therefore, the good sense upon which the transaction was founded, and the interests of Holland herself, equally justified the arrangement which, in that respect, had been made. He was not going to refer to the dissertation which had been held upon the unnatural union between this country and France, against our ancient ally the Dutch. This country had intimate relations with France, not for the purpose (as had been stated by hon. Members) of subjugating Europe, but for the purpose of maintaining the peace of Europe—of causing to be respected the independence of States—and of effecting this arrangement about Belgium; which was as much for the interests of England as it was for the security and repose of Europe. It had been asked, who would be ambitious to undertake the government after the present Ministers, and to take up the thread of those complicated negotiations in which they had been engaged? If it should be his lot to cease the conducting of these negotiations, he should look back with great satisfaction and pride to the part he had borne in conducting that very difficult and complicated transaction. When they had succeeded to the Government of this country, no man acquainted with its affairs would have ventured to predict that three months could elapse without our being involved in a general war; a year and a half had elapsed, however, since that event, and that war had not happened. Whenever the general character of our foreign policy should be made the subject of discussion, he should feel no difficulty in going, point by point, into our foreign relations; and when that House and the country should be appealed to, neither the one nor the other would be disposed to think that the principles upon which that policy had been conducted, had been less suited to the interests of the country, or less congenial to that spirit of liberty which characterized this nation, than those which their predecessors had pursued. But they had been asked, who would undertake the foreign department—where would you find an individual who would run the risk of governing Ireland—where find a man bold enough to take upon himself the guidance of the colonies—who would be the ambitious individual to assume the command of the British navy? Who was he who would take charge of the finances? Why, he would undertake to answer every one of these questions, and give an answer which the hon. Gentlemen opposite would consider highly satisfactory, if they, in return, would only answer one question: that question was—when they had got all these various persons, who would undertake to manage the House of Commons? Because he (Lord Palmerston) had a strange suspicion, that if an individual could have been met with to take upon him that task, there would have been found individuals possessed of sufficient confidence in their own powers, and who would have thought themselves sufficiently able to encounter all the intricate and complicated difficulties of the present times—men who would have taken up the Belgian question, and the question of our other foreign relations, whether with France, or with Portugal, with perfect facility—who would have found leisure for issuing orders for the colonies—who would have managed the arrangement of the question of tithes for Ireland—who would have commanded that excellent navy, which his right hon. friend had placed in a better situation than ever navy was before—and they might have discovered, too, persons who would have been prepared to bring in new Bills for sugar duties and spirit duties, and have offered to manage all the finances of this country. He would not dwell longer upon this subject. He could not admit that this question was one which the vote proposed by the hon. Gentleman went merely to delay; because he should like to know, if hon. Gentlemen really wished to negative the vote, what other course than the present could they have adopted? He believed it to be their object to throw this vote out altogether. Let not hon. Gentlemen, therefore, run away with a notion, that the effect of this Motion was only to postpone the consideration of the question. It would be childish not to understand, by the speech of the hon. Gentleman himself (who said he made this Motion because he thought we ought not to continue the payment of this money), that it was merely for delay. Its object really was to dispose of the proposition of the Government upon this question—that proposition now submitted to our consideration being, whether this payment was, in future, to be sanctioned, or whether it was to be negatived by Parliament?

The Committee divided on the Amendment: Ayes 112; Noes 191—Majority 79.

List of the NOES.

ENGLAND.

Althorp, Viscount
Anson, Hon. G.
Atherley, A.
Baring, F. T.
Barnet, C. J.
Benett, J.
Biddulph, R. M.
Blake, Sir F.
Blamire, W.
Blount, E.
Bouverie, Hon. D. P.
Bouverie, Hon. P. P.
Briscoe, J.
Brougham, J.
Brougham, W.
Bulkeley, Sir R. W.
Buller, J. W.
Bulwer, H. L.
Bulwer, E. L.
Bunbury, Sir H. E.
Byng, Sir J.
Byng, G.
Calcraft, G. H.
Calvert, C.
Calvert, N.
Campbell, J.
Carter, J. B.
Cavendish, Lord
Cavendish, Hon. C.
Cavendish, Hon. H.
Chichester, J. P. B.
Clive, E. B.
Cockerell, Sir C.
Coke, T. W.
Colborne, N. W. R.
Creevy, T.
Currie, J.
Denison, W. J.
Denman, Sir T.
Duncombe, T. S.
Dundas, Sir R. L.
Easthope, J.
Ebrington, Viscount
Ellice, E.
Ellis, W.
Etwall, R., jun.
Evans, Col. de Lacy
Evans, W.
Ewart, W.
Fellowes, H. A. W.
Ferguson, Sir R.
Fitzroy, Lieut.-col. C.
Forbes, Sir C.
Gordon, R.
Graham, Rt. Hn. Sir J.
Graham, Sir S.
Grant, Rt. Hn. R.
Greene, T.
Greene, T. G.
Grey, Colonel
Grosvenor, Earl
Grosvenor, Lord R.
Gurney, H.
Handley, W. F.
Hawkins, J. H.
Heywood, B.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodgson, J.
Horne, Sir W.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hudson, T.
Hughes, H.
Hume, J.
Jerningham, Hon. V. S.
Johnstone, Sir J. B.
Knight, H. G.
Knight, R.
Labouchere, H.
Langston, J. H.
Lawley, F.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord A.
Lester, B. L.
Littleton, E. J.
Loch, J.
Lumley, J. S.
Lushington, Dr. S.
Maberly, Colonel
Macaulay, T. B.
Marjoribanks, S.
Marshall, W.
Milbank, M.
Morpeth, Viscount
Mostyn, E. M. L.
Newark, Viscount
Nugent, Lord
Paget, T.
Palmer, General C.
Palmer, C. F.
Palmerston, Viscount
Payne, Sir P.
Penleaze, J. S.
Penrhyn, E.
Ponsonby, Hon. W. S.
Pepys, C. C.
Petit, L. H.
Petre, Hon. E.
Phillips, G. R.
Price, Sir R.
Pryse, P.
Rider, T.
Ridley, Sir M. W.
Robarts, A. W.
Rooper, J. B.
Russell, Lieut.-col.
Sandon, Viscount
Sanford, E. A.
Sebright, Sir J.
Skipwith, Sir G.
Smith, Hon. R.
Smith, J.
Smith, J. A.
Smith, M. T.
Smith, R. V.
Stanhope, Capt. R. H.
Stanley, Rt. Hn. E. G. S.
Stephenson, H. F.
Stewart, P. M.
Strutt, E.
Stuart, Lord P. J.
Thicknesse, R.
Thomson, Rt. Hn. C. P.
Townley, R. G.
Townshend, Lord C.
Tracy, C. H.
Tyrell, C.
Venables, Alderman
Vernon, Hon. G.
Villiers, T. H.
Vincent, Sir F.
Warburton, H.
Waterpark, Lord
Watson, Hon. R.
Wellesley, W. T. L.
Wilbraham, G.

Wilde, T.
Williams, W. A.
Willoughby, Sir H.
Wood, C.
Wood, J.
Wood, Alderman
Wrightson, W. B.

SCOTLAND.

Adam, Admiral
Agnew, Sir A.
Dixon, J.
Ferguson, R.
Fergusson, R. C.
Grant, Right Hon. C.
Haliburton, Hn. D. G.
Jeffrey, Right Hon. F.
Johnstone, A.
Johnstone, J.
Kennedy, T. F.
Mackenzie, S.
M'Leod, R.
Morison, J.
Sinclair, G.
Stewart, Sir M. S.

IRELAND.

Boyle, Hon. J.
Brabazon, Viscount
Brown, J.
Browne, D.
Bourke, Sir J.
Callaghan, D.
Hill, Lord G. A.
Hort, Sir W.
Howard, R.
Jephson, C. D. O.
Killeen, Lord
King, Hon. R.
Lamb, Hon. G.
Macnamara, W.
Mullins, F.
O'Ferrall, R. M.
Ponsonby, Hon. G.
Power, R.
Rice, T. S.
Russell, J.
Sheil, R. L.
Walker, C. A.
White, Colonel H.
White, S.
Wyse, T.

TELLER.

Duncannon, Viscount

Paired off against the Amendment.

Anson, Sir G.
Barham, J.
Burrell, Sir C.
Chapman, M. L.
Crampton, P. C.
Doyle, Sir J. M.
Dundas, Hon. J.
Dundas, Hon. J. C.
Fox, Lieut.-col.
Gisborne, Colonel
Hughes, Thomas
Kemp, T. R.
Noel, Sir G.
O'Connor, O.
Ord, W.
Ramsbottom, J.
Russell, Sir R. G.
Scott, Sir E. D.
Stuart, Lord D.
Western, C. C.
Williamson, Sir H.

The original Resolution put and carried.

The House resumed; Resolution reported.

SHERIFFS' EXPENSES.] Mr. Fysche Palmer moved the Order of the Day, for the third reading of the Sheriffs' Expenses Bill.

Mr. *Campbell* moved, that the Clause exempting Sheriffs from the necessity of escorting Judges into towns of assize be omitted. The usage was as ancient as the Constitution, and was as great an amusement to the people as a race, or any other spectacle.

Mr. *Hudson Gurney* would vote for the Amendment, and considered the whole Bill to be a paltry piece of legislation.

Mr. *Fysche Palmer* could take it upon him to say, that many of the Judges complained of the usage, which the learned Member would preserve as a great inconvenience to themselves, as well as an unnecessary expense to the Sheriff.

The House divided on the Amendment: Ayes 28; Noes 16—Majority 12.

Clause omitted.

The Bill was then read a third time, and passed.

HOUSE OF COMMONS,

Saturday, July 21, 1832.

MINUTES.] Bills. Read a first time:—Russian-Dutch Loan.

Petitions presented. By Mr. LENNARD, from Dissenters at Maldon,—in favour of the Ministerial Plan of Education (Ireland).—By Mr. ROBERT GRANT, from certain Jews of London, praying for the removal of all Disabilities.

WALTHAM FOREST.] Mr. *Lennard* presented a Petition from the freeholders and occupiers of land in the neighbourhood of Waltham Forest, praying that the deer upon that forest might be destroyed. The petitioners complained that their property was greatly injured by the deer, and he (Mr. Lennard) believed they had good reason for the complaint they made. He had not been able exactly to ascertain what number of deer there were upon the forest; but it had been stated that there were several thousands. These not being confined within the forest by any fence, ranged over the adjoining country, and necessarily committed great injury. In 1793, when a commission was appointed to inquire into the state of the forests and Crown lands, a memorial was presented to the Commissioners, from the owners and occupiers of land of twelve parishes within and adjoining the forest, stating, that they were injured to the amount of full one-tenth part of the annual rent or value of their land by the deer. He did not think that this could be an overstatement of the mischief which was done to the neighbourhood. It was obvious, too, that the timber in the forest must be greatly injured by the deer, or else fenced at a great expense, and it was notorious that the deer were the occasion of much poaching, and many commitments to the county gaol. He begged it to be observed, that the petition was not asking for the inclosure of the forest. To that, he knew many Gentlemen residing in the neighbourhood of the forest would decidedly and very strongly object. But, in praying for the removal of the deer, it seemed to him, that the petitioners were only asking for the removal of that which must be considered a public nuisance. The petition further prayed, that the forest laws might be abolished, the fence months done away with, and each parish allowed to have its common district. He hoped the petition would receive the attention of his Majesty's Government.

Petition to be printed.

HOUSE OF LORDS,

Monday, July 23, 1832.

MINUTES.] Bills. Read a first time:—Sheriffs Expenses; Newfoundland; Appropriation of Duties.

Petitions presented. By the Earl of RADNOR, from Clahane and Ballyduff, and from Cong; and by the Earl of SEFTON, from Protestant Dissenters, Dublin,—against Tithes (Ireland).—By Lord PLUNKETT, from the Presbytery of Antrim; and by the Earl of RADNOR, from Cong,—in favour of the Ministerial Plan of Education (Ireland).—By the Duke of CUMBERLAND, from the Provost and Fellows; and by the Archbishop of ARMAGH, from the Under Graduates of Trinity College, Dublin,—for assimilating the Constituency of Dublin University to that of Oxford and Cambridge.—By the Earl of RADNOR, from Cong,—in favour of the Reform (Ireland) Bill.

PARLIAMENTARY REFORM—BILL FOR IRELAND—SECOND READING.] Lord *Teynham* presented a Petition from a large and respectable body of the Freeholders of the County of Mayo, praying for a more effective Representation of the Irish Counties. The county of Mayo was a very important county, with 700,000 inhabitants, and a most numerous and respectable body of freeholders, and some important sea-port towns, and was, for all these reasons, well entitled to a Member, in addition to those which it already returned to Parliament. The great error in governing Ireland had been the not considering it as a component part of the British empire, but treating it as a conquered country. It was, however, absolutely necessary, in order to ensure the good government of Ireland, that it should be treated in every respect as a component part of the British empire, and, therefore, the counties, in respect of the Representation, ought to be put on the same footing as the English counties, and the same principle ought to be acted on in both cases. The petition was well worthy of their Lordships' attention.

Laid on the Table.

The Order of the Day for the Second Reading of the Reform of Parliament (Ireland) Bill read.

Viscount *Melbourne* rose to move, that the Bill be then read a second time. This was the last in the series of those great and important measures of Reform which had so long and so anxiously occupied the attention of Parliament and of the public. But, if the attention bestowed on them had been laborious and painful, he fully expected, and confidently trusted, that the greatest advantages would result from them; and that the expectations of those would be disappointed and defeated, who thought that the consequences which would result from these Bills would be anarchy and confusion, misfortune and calamity. In moving the second reading of this Bill, he thought himself entirely relieved from entering upon any discussion of the general question of Parliamentary Reform. He apprehended that it was unnecessary to do so on the present occasion; since, in all the discussions in the other House on this subject, it was never said, that the Reform ought not to be extended to Ireland. If the nomination boroughs were done away here, they ought to be done away in Ireland; and if the elective franchise was extended in England, it could hardly be contended that it ought not also to be extended in Ireland, in a manner suited to the circumstances of that country. He would only remark, as to the general question, that it had been sometimes urged against his Majesty's Ministers, that, in their measures of Reform, they had not only gone too far, but had gone much further than was expected of them by the Reformers themselves. To that he would only answer, that when it became absolutely necessary to adopt some measure of Reform, it was also necessary that the Reform should be carried to the extent to which these measures had carried it, as, otherwise, Ministers would have involved themselves in inconsistences and difficulties from which it would have been impossible to extricate themselves. In considering, for instance, the question of the disfranchisement of the nomination boroughs, it was utterly impossible for them to make any distinctions by abolishing some and preserving others; for then they might, with every appearance of truth, be accused of gross partiality and injustice; and if some had been done away, and others retained, they would have subjected themselves to a much stronger condemnation, even from their opponents, than they could possibly incur by abolishing these boroughs altogether. But if the making of any invidious distinction would have been bad here, it would have been still worse in Ireland. If they had retained some of the boroughs there in the hands of certain individuals, while they disfranchised others, the measure would have been productive of much greater scandal than the disfranchisement of the whole. In calling their Lordships' attention particularly to the Bill now before them, it would not be necessary for him to travel back into the history of the Parliament of Ireland. When his noble and learned friend on the Woolsack moved the second reading of the Scotch Reform

Bill, it was necessary for him to enter at some length into an exposition of the tenures of Scotland, and into its history and antiquities. But nothing of that kind was required here, as the Representation in Ireland had been much the same as that in England. It only remained for him, therefore, to state generally the provisions of the Bill, and to point out in what respects they differed from those in the English Reform Bill, and the reasons for that difference. In the first place, with respect to the numbers to which the petition presented by a noble Lord (Lord Teynham) referred, it was impossible that, in a measure of this kind, the question should not be thrown open as to the number of Representatives which it would be proper to assign to the various portions of the empire. The utmost care had been taken to settle that point in the fairest and most impartial manner, and with as little disturbance of the former system as possible. Their Lordships were aware that the county Representation in Ireland had been settled at the time of the Union. The amount of the Irish county Representation, as then settled, was, two Members for each of the thirty-two counties, making sixty-four; which, together with ten Members for counties of cities, twenty-five Members for towns or boroughs, and one Member for the University of Dublin, made up the whole amount of 100 Members now returned for Ireland. That scale of Representation was considered to be as fair as possible, when the relative situation of the two countries as to their respective property and population, was considered. The numbers of the county Representation were not decreased, but increased, on that occasion, by those who were drawn from other sources, by removing Members from such boroughs as at that time were not considered to be entitled to their then scale of Representation. That was the state of the Representation for Ireland, as settled at the Union; and though he was not very conversant with the proceedings of those times, he did not believe that that measure of Representation was much attacked. To this number of 100, there were, by this Bill, five more Members to be added, making the whole number 105. And as the same anomaly existed in Ireland to a small extent, which so long prevailed in this country, of large and populous towns, having great wealth and trade, and possessing all the elements that characterize a constituency deserving of a direct participation in political rights being yet altogether but imperfectly represented, it was in this class of the Irish constituency that the principal addition was to take place, by giving an additional Member to each of the cities of Limerick and Waterford, the borough of Belfast, and the county town of Galway, which, with one additional Member for the University of Dublin, would complete the number of Irish Members to be returned on the present scale. As to the Representation of this University, and the petition presented by the illustrious Duke (the Duke of Cumberland), the matter to which it referred would come more properly to be considered in the Committee. Then, as to the counties, leaseholders had been admitted to the franchise to a considerable extent—leaseholders of sixty-years, at 20*l.* rent; of twenty years, at 10*l.* rent; of fourteen years, at 20*l.* rent. The elective franchise would thus be brought into the hands of a very respectable constituency, and would restore that connection between the landowners and the most respectable part of the population which had been of late but two much interrupted. Then, in the cities which were counties of themselves, the votes of the 10*l.* freeholders had been added, and in the boroughs the franchise had been given to the householders paying 10*l.* rent, as had been done in England. The other principal provisions of the Bill related to the registration of votes, and the manner of taking the poll, into which it was unnecessary for him to enter minutely, but he hoped that they combined every facility for voting, with effectual means for preventing fraud and expense. These were the principles of the Bill, and he hoped that it would be considered as a fair and equitable enactment, suited to the situation and circumstances of that country, and likely to give general satisfaction. He submitted it, then, to their Lordships, as a fair and equitable arrangement, worthy of their Lordships' best attention and consideration. It was founded on the principle—first, that some Reform must take place; secondly, that the proposed Reform was in substance the same as that proposed for England; and, thirdly, that it was well adapted to the situation and circumstances of Ireland. He moved, that the Bill be now read a second time.

The Duke of *Wellington* did not consider that the most convenient opportunity to discuss this subject, as most of the noble Lords who wished to deliver their opinions upon the principle of the Bill were absent. He, however, could not suffer the Bill to be read a second time without offering a few observations upon it. He certainly did not intend to follow the noble Viscount through the details into which he had entered. His own opinion was, that it might be exceedingly expedient to Reform the system of Representation in this country, and even in Scotland, and yet not to touch the Representation of Ireland. What his noble friend who sat near him had said on a former occasion was true—the Representation of the people of Ireland was considered and settled thirty years ago. Then, again, in 1829, a very important measure was adopted, by which the Representation of the different interests of that country were considered, and, as they thought, finally settled. In truth, the measure that was then adopted was founded upon that other measure, which was adopted at the same time—namely, the abolition of the 40*s*. freeholders. That measure was founded upon the necessity of putting an end to the improper influence of the Priests of the Roman Catholic religion. And he must say, even supposing that it was now, in consequence of what had lately passed upon the subject of the reformation of the Representation of the people in this part of the United Kingdom—supposing that it was now necessary to adopt a similar measure in Ireland, surely it was necessary to found that measure upon the principle of the measure of 1829, and not upon any new-fangled notions of the present day. That was the ground upon which he rested the opposition which he intended to give to this measure. The noble Lord, who had just addressed the House, had stated, that this measure for Ireland was founded upon the same principle as that which had been passed for England. He (the Duke of Wellington) begged to remind their Lordships that there was a most important point raised in 1829, with respect to the voters in counties of towns. Those places had two descriptions of voters—freemen admitted by the Corporation, and 40*s*. freeholders. A noble Lord had urged on him, when the measure of 1829 was under consideration, to adopt towards the freeholders of counties of towns the same principle that he had adopted in the counties at large—that was to say, to take away from the 40*s*. freeholders in towns the right of voting for them. He, however, was not disposed to accede to the noble Lord's Representation, because he thought that the balance between the interests—the freemen and the freeholders—should be preserved; and as the Corporations had the power of extending to any amount the number of freemen, he would not consent to disfranchise the 40*s*. freeholders. But the first thing that the noble Lord now did, in the measure which he had proposed to be read a second time, was to put an end to the 40*s*. freeholders and freemen by declaring that those rights should expire with the individuals who at present possessed them. But the noble Viscount did more than this. The freemen, unless they were resident, lost their votes immediately; not so the freeholders, and, therefore, he begged to ask, whether the preponderance would not be given to the 40*s*. freeholders, or in other words, to the Roman Catholic interests? But what did the noble Lord do besides? He said, that the voters should be resident 10*l*. householders, and 10*l*. freeholders hereafter. What did that do? It gave, of course, a preponderance of power to the Roman Catholic inhabitants of those towns. In fact, the noble Lord extinguished the rights granted under the charter of the Corporations, which was a principle that had not been adopted in the English Bill. The Corporations were deprived of their rights, and the Roman Catholic population was placed in possession of them. He must, therefore, object to the Bill, because the noble Lord, with respect to these counties of towns, had departed from the principle and practice laid down in the Act of the year 1829. He would admit, that, when the principle was adopted in the Reform Act for England, of putting an end to what were called nomination boroughs, it was quite right that the same description of Representation should be put an end to in Ireland. He did not pretend to say that boroughs of that description should continue to exist. But, if such an alteration were to be introduced into Ireland, in addition to the alteration already made in respect to counties of towns, he (the Duke of Wellington) maintained, that it ought to be on the principle of the Act of 1829; and care ought to be taken to secure the Protestant interests, and those interests connected with property, with the Crown, and with the Established Church. This Bill effected directly the contrary—first of all, it abolished the rights of freemen and the rights of Corporations; it then gave the right of voting to 10*l*. householders, and 10*l*. freeholders, far the greater part of whom were Roman Catholics. Thus the power of the Roman Catholic priesthood would be established, instead of the interests of the great proprietor being protected, or the interests of the great monied man, who paid for his seat. Such an arrangement was not consistent with the public interests, which required that property—not the priests of the Roman Catholic Church — should have influence in elections. It was also totally at variance with the principles followed at the period of the Union, and in the measure of 1829. Upon these grounds he should decidedly object to the present Bill. A plan of Reform might have been introduced, leaving the influence of Corporations in possession of persons of property; at all events there was no necessity whatever to hand it over to a class of persons who must be under the influence of the Roman Catholic priests. The noble Viscount justified the introduction of this measure upon the notion that it was founded upon the same principles as the English Act. But he (the Duke of Wellington) begged their Lordships to observe, that the noble Viscount had abandoned the example of the English Bill, wherever it suited his purpose. In doing that the noble Viscount had sacrificed, he thought, the interests of the Crown, the interests of the Protestant Church, and the interests of property. On these grounds he should give the Motion of the noble Viscount a decided negative.

The Marquess of *Clanricarde* could not concur with the noble Duke in his objections to this Bill, and he was rather surprised that the noble Duke should now turn round on his own measure, and that, too, the measure which he (the Marquess of Clanricarde) thought the proudest of the noble Duke's Administration. He wondered how the advocate of that great measure of justice and toleration could now endeavour to trip up and inflame religious distinctions which he had hoped were destroyed for ever. The noble Duke, by his Act of 1829, had advanced the freehold qualification to 10*l.*, as a security against the influence of the Catholics; but he thought at that time, and he thought so now, that it was taking away the proper influence from the landowners. The noble Duke admitted, that it was proper to abolish the rotten boroughs in Ireland, as well as in England; but he objected to giving an extensive franchise to the people. And what did the noble Duke's argument amount to? Simply that the people of Ireland were chiefly Catholics. Was that a reason why they should be shut out from the benefits of the Constitution? If the Catholics possessed wealth and power—were in a situation in which they could independently exercise the right of suffrage—why should they not be invested with the suffrage right? In the cities and boroughs the greater number of the freeholders and the householders would be Catholics; but then they would much more depend on Protestant men of property than on Catholics. Would any man at all acquainted with Ireland, venture to assert, that the Catholic influence would predominate in Belfast, Newry, and other such towns; or venture to deny, that when the Catholics, as in Galway, would be the chief electors, that they possessed every claim of property, intelligence, and independence? He thought that the noble Duke's objections, in that respect, were entirely without foundation. As the only objection of the noble Duke was founded on the single circumstance of the influence of the Catholics, it was unnecessary for him to enter further into the subject; and he would only add, that if the noble Duke expected that the country could be governed by force and by bayonets, and means of that description, he was quite mistaken. A country, to be well governed, must be governed by justice, and by a due regard to public opinion, and to the sympathies of the people. The Catholics ought not to be disfranchised on account of their religion, and if they ought not, there was no weight in the noble Duke's argument.

The Earl of *Limerick* could not allow the present occasion to pass without saying a few words, although, under all the circumstances it was with great reluctance that he made any observations on the subject of this Bill, and he confessed that he was induced to say a few words only in consequence of a remark which had been made by the noble Viscount who moved the second reading. The noble Viscount was pleased to say, that he flattered himself that this measure would defeat the expectations of those who thought that it would be attended with calamitous consequences, and stated his conviction that it would be attended with the most beneficial effects. For himself, he had only to say, that he should be the last man in the world to wish that the measure should be attended with ruinous effects; and he should be most happy if the expectations of the noble Viscount should be realised. But he agreed with the noble Duke that this Bill went to overthrow the national agreement made at the time of the Union, and the arrangement made in 1829. There was a noble and learned Lord (Lord Plunkett), now in the House, who was one of the most violent opponents of the

Union, and that noble and learned Lord had prophesied, that if Ireland parted with its distinct political power, it would get itself entirely within the grasp of the more powerful country. He begged the noble and learned Lord's pardon for alluding to this. He was one of those who thought that the boroughs in Ireland were preserved at the time of the Union, for the purpose of forming a security for the Protestant Church, and the Protestant interests generally. In 1829, the 40*s*. freeholders in the counties were destroyed, and a new constituency formed, and this had been held out as a corrective of the other Bill passed at the time for removing the disabilities of the Catholics, and as a security to the Protestant interests. If Ireland were in the same condition as before the Union, he was sure that these boroughs would not have been suppressed; they were intended as bulwarks of Protestantism; but if the Bill passed they would be so no longer. There would be thirty or forty Irish Members returned solely by the influence of the priests, and it was for their Lordships to judge if such a body, acting in concert in this country, might not produce the greatest mischief. Such were his views and feelings; but he knew that it was vain, after the passing of the Scotch and English Bills, to struggle against the measure. He hoped, however, that the evils which he apprehended from it would not be realised; and no man would be more rejoiced, should his expectations prove unfounded.

Lord *Plunkett* said, he was unwilling to provoke further discussion, and would only trouble their Lordships with a few words. His noble friend (the Earl of Limerick) had alluded to the Union between England and Ireland. At that period they were both Members of the Irish House of Commons; but upon this question they had entertained very different opinions, and had given opposing votes. He had opposed the Union vehemently. No question had ever since arisen, or ever could arise, which would so claim his attention and so occupy his heart as that measure had done. He had considered that the passing of the Union would have been the extinction of the independence of his native land, and he had struggled against it with all his might. But he had lived long enough to find that he was then mistaken, and to correct the prophecies he had then uttered, and the anticipations which he had then entertained. He did then imagine that Ireland would have been thrown, bound hand and foot, at the mercy of England, and that the power thus conferred would have been mercilessly abused. He was entirely and agreeably disappointed. He never, since the period of the Union, knew a question affecting the interests of Ireland, which was brought before the United Parliament, that was not only treated fairly, but even with partiality and kindness, in consideration of the former misgovernment to which the country had been subjected. He, therefore, confessed, that he had been entirely wrong in his views, and would now protest as strongly as might be against a Repeal of the legislative Union, for he felt that from that might follow a separation of the two countries, which would be alike prejudicial to the best interests of both. It was accordingly with great grief that he heard the noble Duke (the Duke of Wellington) declare, that he would give his vote against going into Committee on the Bill under consideration. For this was in effect to declare, that he would deny to Ireland that Reform which had been conceded to England and Scotland. It was saying, that in England and Scotland, by the mass of the people, and by large majorities of the House of Commons, and by the decree of Parliament, rotten boroughs were rooted out as a disgrace to the Constitution—were excised as sores and ulcers; yet, nevertheless, they ought and should be continued in Ireland, as part of the Constitution of that country. Now he contended, that if there was one course of conduct more than another, which was calculated to fill the ranks of those anxious for a Repeal of the Union, it was this. To hold out to the people of Ireland that, although abuses had been swept away in England and Scotland, they should be continued in Ireland, would be, he repeated, the most disastrous sentiment which could possibly be held out to that unfortunate country. He lamented likewise the observations which the noble Duke had made. The noble Duke had argued the question as if it were one of Protestant and Catholic. He considered that he might, even taking the question in that light, prove that the noble Duke was mistaken in the conclusion at which he had arrived; but he would not condescend to argue the question on such grounds. He would ask, had the noble Duke's great measure indeed been carried, if they were now-a-days to legislate or argue upon the authority and existence of those ancient grudges between the two religious parties?

If they were so to do, he had no hesitation in declaring the noble Duke's measure was one of two things—useless or mischievous. He remembered that, when the subject of the Union to which the noble Earl had alluded had been brought forward there had been no question entertained respecting Catholic or Protestant: the promoters of it were wisely anxious to keep all such questions out of view. The measure was carried, and how?—with strong objections on the part of the Protestants, and by nothing approaching to an unanimous approval on the part of the Catholics; and yet great exertions had been used to reconcile them to the measure. And then, as to the towns and the counties of towns to which Representation was granted; how were they selected? Thirty-four boroughs received this right. But he never heard that any portion of them received it on the principle that they were to be bulwarks of the Protestant interests. Let them only recal to mind how these boroughs were selected. Laying aside the University, thirty-three great towns were chosen, which, in the aggregate, possessed a population of 800,000 souls. Were these selected as the bulwarks of Protestantism? He never heard it intimated at the time. The feeling on the part of those who made the arrangement was, "We are doing a fair thing by Ireland in reserving the representation to the most wealthy and populous towns and cities." In what way was it subsequently acted on? Why, the Representation of seventeen of those places, having an aggregate population of 180,000 persons, was disposed of by seventeen gentlemen. Would it be then said, that in doing away with this scandalous monopoly, they were dissenting from the principles of the Union? He never, certainly, did understand the principles of the Union after this manner. It never occurred to the opponents of that measure, that they could use such a supposition as an objection to the measure itself. He never used it; and yet he had opposed the measure as vehemently, and as industriously, and as strenuously, as he could. But then it was said, in objection to the Bill, that the 40*s*. freeholders in the counties of cities ought to be disfranchised. If so, why were they not done away with at the time of the Union, if these boroughs were, indeed, intended as the bulwarks of the Protestant interest? It was urged that these 40*s*. freeholders were entirely under the influence of the priests. This he did not believe; but if it were so, why were they continued by the noble Duke? Again, it was said, that in this Bill they would be departing from the principles of the measure of 1829. He did not think that adjustment had been made upon the principle which the noble Duke had that night stated—that was, that originally 40*s*. freeholders in the counties of cities had been preserved as a balance to the power of the freemen; and, therefore, that now that you limited the power of freemen, you ought to disfranchise the 40*s*. freeholders to preserve the balance. But here it was, in the first instance, assumed, that the 40*s*. freeholders were entirely a Roman Catholic constituency, under the influence of their priests. Now, this was not the argument used for the disfranchisement of the 40*s*. freeholders in counties. The argument was, that they were a constituency always under the influence either of their priest or landlord; therefore, they were to be disfranchised, not because they were a Roman Catholic constituency, but because they were an incapable constituency; because they were not an independent constituency. Now here, too, was a second assumption respecting freemen. Was it true, that freemen were of necessity Protestant?—certainly not. Roman Catholics might be freemen of corporations at any time. Until after the passing of the Relief Bill in 1829, they were excluded from corporate offices by the Oath of Supremacy, but by this only; and now that it was done away with, they might accordingly be freemen, and hold any corporate office. In short, they enjoyed every corporate right. Why was it, then, that these boroughs became to be considered as bulwarks of the Protestant interest? Because there was a monopoly upon the part of those who possessed the right of election, and they never would elect Catholics. Well, then, how did the case stand? how was the measure of 1829 to be viewed? It was either meant to operate or not to operate. Now, if it was intended not to operate, it was a mere mockery and delusion. But if it were intended to operate, why should they object to measures that gave or secured to Roman Catholics those rights to which they were fairly entitled under the Relief Bill? But really he was wandering from the question before their Lordships. What they had to consider was this, were they likely to have an independent constituency? Noble Lords opposite said, this Bill would let in Roman Catholics, who would form the great majority of the constituency, Now, he did not believe it would. But if Roman Catholics were in possession of that station and wealth which entitled them to a majority in the constituent body, why should they not have it? On the occasion of the production of the Relief Bill in 1829, how was the matter argued? On the one side, they said, take care how you pass this measure; it is not a small body of Roman Catholics you will admit into the Imperial Parliament; but if it be passed at all, let it be frankly acted on. The same sentiments respecting the mode in which it should be acted on were uttered from the other side. And if they did not so, the Roman Catholics would be more exasperated, and justly, than if the measure had been completely rejected. Undoubtedly it would be more galling to be now shut out from advantages to which they were entitled by law, than to have been refused the concession of them originally. His noble friend (the Earl of Limerick) had attacked the influence of the priests in Ireland as most mischievous. Now, of all things, he would most earnestly deprecate the giving a religious tincture to the disturbances which unfortunately prevailed in Ireland. This was the only thing wanting to dissipate all hope of peace, and tranquillity, and union, in that country. He could give a distinct denial to the allegations which charged the great body of the Roman Catholic priesthood with advocating the cause of mischief and separation. Of the higher portion of that body he could not speak in terms of too strong approbation, or too great respect. Their exertions, he maintained, had been most meritorious to preserve the peace. But he at the same time allowed, that there were some most mischievous persons in the Roman Catholic priesthood—men who had incurred most desperate responsibility. He declared that he would not have on his soul the weight of responsibility attaching to some of those persons for any earthly consideration. But were they not thus looking merely on the one side? Had they no priests but the Catholic priests to disturb the country? Were there no other priests who used violent, and abusive, and inflammatory language—who attended public meetings as agitators, and lost no opportunity of giving offence to their Catholic fellow-subjects? Would it, however, be fair to throw all the odium which must attach to such proceedings upon the great body of the Church of England clergy? Certainly not. He did not believe there was a more exemplary class of men in the world than the Protestant clergy of Ireland. They were humane, charitable, generous, learned, and pious; their existence in affluence and respectability was a source of support to religion and peace in that country; they were the most eminently serviceable class of resident gentlemen in Ireland. But should not equal justice be rendered to the Roman Catholic clergy? Nobody could venture to deny it; and, further, he would say, as to the great body of the Roman Catholics, that it never should be assumed they were on one side, and the Protestants of Ireland on the other. The fact was, the great body of the Protestants were no more represented by those who came forward in that House and elsewhere, and declared—"I say upon the part of the Protestants of Ireland"—than was the great body of the Roman Catholics by the demagogues and agitators. He believed that the great body of the Roman Catholics were fully sensible of the benefits they had derived from the Union—of the increased prosperity—of the additional comforts they had acquired since that period. A great portion of the country had visibly improved under the benefits conferred upon it by commercial relations with England; and he firmly believed, that if one-half the influence had been used to reconcile and unite the two classes which had been directed to embitter their hostility, they would now have a peaceful and a prosperous country. It had been frequently said, that he was an enemy to the Protestants of the north of Ireland. He denied that he ever was. They formed, in his opinion, as good materials for excellent and peaceful subjects as could possibly be found. They were loyal, religious, industrious, courageous, rational; but they were persons capable of being excited and impelled to embody themselves for mischief, if their superiors chose to excite them. And he could not acquit men, in a station of life from which one might have expected better things, of having resorted to those acts which were used by the demagogues in inflaming the passions of the foolish portion of the Roman Catholic body. But all those tumultuous and illegal proceedings must be put down. The full powers of the law should be directed to this object; and if those powers were not sufficient, they would call for new laws and greater powers. He agreed, however, with the noble Marquess, that the best way to take the arms out of the hands of the agitators, and resentment out of the hearts of the public, was by the removal of real grievances. He had no doubt that deciding that this Bill should not go into Committee would be regarded by the great body of the people as a refusal to remove their grievances; and he did believe, that this Bill would, if passed in its essential principles and details, be received with gratitude by the people, and would be eminently calculated to allay the disturbances which prevailed.

The Duke of *Wellington,* in explanation, stated, that he objected in particular to the principle on which the execution of that part of the measure which related to the boroughs was founded, and also to the principle on which the measure in general was to be carried into execution.

The Earl of *Limerick* remarked, in allusion to the learned Lord's observations touching the influence of the priests, that the anti-tithe meetings, and the opposition to the payment of tithes, had been first excited by a Catholic Prelate, and was encouraged and maintained by the exertions of the priests.

The Marquess of *Westmeath* was surprised that he had not heard the learned Lord's objections to the close Irish boroughs at an earlier period of his parliamentary history. In no part of Ireland was there the slightest expectation of any measure like this, until it appeared in the general plan of Reform which Ministers had taken upon themselves to bring forward. There was neither the same necessity nor the same demand for Reform in Ireland, as there had been in England. The alterations which Ireland wanted were of a very different nature from the speculative advantages presented to his view in that Bill. It was a wanton creation of his Majesty's Ministers, for some reason or other to them best known. There was no reason, at all events, for enlarging the Representation on account of trade or commerce, and making the constituency more democratic. What part of the trade of Galway, for example, required more than three Representatives? Except the exportation of oysters and kelp, he should like to know what trade there was in the west of Ireland requiring Representation? He should not, any more than any other noble Lord, oppose this Bill, but he must say, that he had heard nothing to alter his opinion as to there being no necessity for it.

Lord *Templemore* asked the noble Lord what he would say to the town of Belfast, which contained 42,000 inhabitants, and only returned one Member? The noble Marquess could scarcely think that the Representatives of that large commercial town should be returned by a sovereign and two burgesses.

The Marquess of *Westmeath* said, that his observations were more particularly directed to the west of Ireland.

Lord *Ellenborough* thought, it would be better that the discussion should be taken on Thursday next, in consequence of the shortness of the notice, and the absence of the noble Lords connected with Ireland.

The Bill read a second time.

HOUSE OF COMMONS,
Monday, July 23, 1832.

MINUTES.] Bills. Read a second time:—Russia-Dutch Loan; Assessed Taxes Composition; Charitable Institution (Ireland); Ecclesiastical Courts Contempt; Prisoners Removal (Ireland).—Read a third time:—Soldiers Families.

Petitions presented. By Mr. STANLEY, from Edinburgh, Dumfries, Cupar, Manchester, Dublin and other Places; and by Mr. EWART, from two Dissenting Congregations at Liverpool,—in favour of the Ministerial Plan of Education (Ireland).—By Mr. MAURICE O'CONNELL, from Cong, Youghall and six other Places, for the Abolition of Tithes. —By Mr. HUNT, from certain Artizans and Others, assembled on Kennington Common, for the Abolition of Military Flogging.

MR. STEPHEN AND GENERAL DARLING.] Mr. Maurice O'Connell presented a petition from Mr. John Stephen, the younger, late of New South Wales, complaining of his dismissal from office without just cause, by General Darling, and praying for inquiry. The petition set forth at length the circumstances under which Mr. Stephen's house had been searched upon suspicion of harbouring an escaped convict the petitioner's most positive denial of the justice of the charge, and the dismissal of Mr. Stephen from the office he held in the colony—thus unjustly declaring him guilty without a legal trial, or even a legal accusation.

Lord *Howick* said, that the petitioner had neither been declared guilty nor innocent of any act whatever. He had been dismissed as unfit longer to serve the Crown in that colony with advantage to the public. Every one must be aware that it was of the utmost importance, that no prisoner in the colony should be aided to escape from the punishment adjudged by the law. If hon. Members were aware how numerous and how ingenious were the arts employed to effect the escape of prisoners, or to enable them to evade the sentences that had been pronounced against them, there would be no complaint of the watchfulness of the Government on that point.

It was not, however, necessary, that an offence in law should be substantiated against an officer. Any deficiency of zeal in the discharge of his duty amply justified the Government in calling an officer of the Government to account. Now, it appeared, that there were, at least, circumstances of suspicion attached to Mr. Stephen as to there being in his house a woman who had been previously convicted and sentenced to punishment; and yet, when Mr. Stephen was called on to answer the charge which was made against him, he refused to do so, and the Governor was therefore obliged to suspend him from his office. Instead of protesting against his suspension, and bringing the matter to a legal decision at New South Wales in the regular way, Mr. Stephen quitted the colony, and came to England, when Sir George Murray was obliged to tell him, that he must go back and have the case investigated by the Council in the regular manner.

Mr. *Henry Lytton Bulwer* observed, that the question now was not whether Mr. Stephen had or had not been guilty of favouring the escape of a prisoner, but whether he had been proceeded against in a proper and legal manner. He thought there could be no doubt, that the justice of the case demanded a further inquiry.

Mr. *Hume* said, that Mr. Stephen had been the Registrar of the Port, and a Magistrate of the Colony, and part of what he had done might be shown to have been done in his public capacity, and upon full information. With a view to ascertain the character of Mr. Stephen, he had made inquiry of several gentlemen, and obtained certificates as to Mr. Stephen's public and private character, as to both of which there appeared to be the most perfect satisfaction. Under these circumstances, he put it to Lord Althorp, whether, if the Governor was to send police-officers to search the house of such a man, it was not an insult of a very unjustifiable kind? The Senior Judge, the Junior Judge, the Assistant Judge, and the Attorney General, had all signed a certificate, stating themselves to be satisfied with Mr. Stephen's conduct; and when he tendered his resignation as Registrar, they requested him to continue to hold his office. He did hope that a full inquiry would take place into this matter, and that justice would be done to the Petitioner.

Mr. *Dixon* differed from the opinion which the noble Lord seemed to entertain of this case, and was surprised at some of the doctrines he had laid down. Mr. Stephen's House was broken open in the dead of the night by a police-officer; and that was alone a strong ground for complaint against the Government. His office, too, had been abolished; so that it was an insult to tell him to go back; for, if he went back, it would be to find himself without employment. He (Mr. Dixon) believed, that the office had been abolished as a punishment for Mr. Stephen.

Mr. *Hunt* agreed with other hon. Members, that this was a case of great oppression, and he thought a most rigid inquiry ought to be made into the conduct of the Governor.

Sir *Charles Forbes* also supported the petition, and said he must express his disapprobation of so many military governors being appointed to the Colonies.

Petition to be printed.

FOUR-PER-CENTS REDUCED.] On the Motion of Lord Althorp, for the House to resolve itself into a Committee of Supply,

Mr. *Goulburn* said, he was anxious to put a question to the noble Lord, before the House went into Committee, relative to certain transactions which had taken place on account of parties not having complied with the option tendered them in relation to the reduction of the four per cents. It appeared, according to a financial account, that there was charged upon the Consolidated Fund a certain sum of money for persons holding four per cent annuities, who had not accepted the three and a half in lieu, when the four per cents were reduced. It appeared, that interest had been paid on a sum little short of 200,000*l.*, by which a considerable sum had been lost to the public. Now, according to the Act of Parliament passed in the Session of 1830, parties in England holding four per cent annuities were allowed to July of that year, and, parties living abroad, to October, to make their election whether they would accept of the new fund created, or have their principal paid off. He understood that persons had received interest for their money in the four per cents subsequently to the periods specified in the Act; and he was anxious to know by what authority a distinct provision of the Act had been disregarded? Upon what ground was it, that the noble Lord and his colleagues acted in this matter?

Lord *Althorp*, in reply, stated, that the parties to whom the item in the accounts referred, were, at the time of the alteration, resident in the East Indies, and, in consequence, were not in a situation to make their option until the 5th of April, 1831, long after the time appointed by the Act. As soon as they possibly could, they had had an application made at the Bank, for their money, having decided not to receive the commuted rate of interest, but were informed, that the Treasury was the quarter by which alone their application could be entertained. They, in consequence, memorialised the Treasury, and the case was referred to the law officers of the Crown, as the Commissioners doubted whether they were empowered to depart from the letter of the Act authorizing the commutation. The opinion of the law officers of the Crown was, that the parties had a claim to be paid at the rate of four per cent up to the period that they received their money; and they so reported. The Commissioners of the Treasury, however, still felt disinclined to make the payment, as it was at variance with the letter of the law, and the law officers were requested to reconsider their decision. They did so, and, upon consultation, convinced him (Lord Althorp) that their former opinion was correct, and, consequently that the parties were in justice entitled to be paid their money, at the rate of four per cent, up to the period of the payment. Such were the circumstances of the case to which the right hon. Gentleman referred, and he trusted they would be found satisfactory to the House. It might be truly urged that the money had been lying in the Bank of England, for a certain period, for the redemption of the non-commuted annuities. That was true, and the parties, provided they had been cognizant of the fact, would not have had a claim to the rate of four per cent on their money; but, from the distance at which they were placed, it was out of the question that they could have been apprised of the alteration which the Legislature had instituted; and, therefore, although, by the letter of the law, no payment at the full rate of interest, after July, 1830, could be demanded, he maintained it would be an act of great hardship to bind those parties to an engagement, of which it was wholly impossible they could be apprised. It would be quite as just, in the case of a mortgage, if the mortgager paid into the hands of a banker the amount, without the knowledge of the mortgagee, to say that the latter party was debarred from recovering interest, from the period when the money was so paid in, although it was done without his knowledge or privacy.

Mr. *Goulburn* would content himself with observing that, in his opinion, the law officers of the Crown had acted upon an erroneous view of the case, the effect of which would be, that the public would have to pay the interest on the annuities twice over. Several similar applications had been made to him while in office, all of which he had refused.

The *Attorney General* said, that he and his learned friends had given the subject every degree of consideration previous to giving the Treasury the advice upon which it had eventually acted.

Sir *Robert Peel* maintained, that no payment by Treasury orders, in opposition to the letter of a law, ought to be made, without the intervention of Parliament. Nothing could be more dangerous as a precedent; and he was sorry to find his Majesty's present Administration attempting to establish it in two cases. In the present instance, it was to be recollected that there were no negotiations on foot, and, therefore, it was the more dangerous. He begged to ask, if the noble Lord would have any objection to lay upon the Table the Treasury minute under which the payments were made?

Lord *Althorp* wished to have a little time for consideration before he gave an answer to the right hon. Baronet, relative to the production of the Treasury minute.

Mr. *Hume* hoped, that the opinion of the law officers, together with the case submitted, would be produced.

Mr. *Robinson* concurred in the view taken by Government, and said it was impossible for them to have acted otherwise.

The *Attorney General* conceived, that the conduct which Government had pursued was strictly in conformity to the law.

On the question "that the Speaker do leave the chair,"

GREEK LOAN.] Mr. *Robinson* said, that the answer given by the noble Lord with respect to the Greek Loan on a former occasion might be very satisfactory as between Whig and Tory, but it was by no means satisfactory to the public, who were anxious to get rid of these foreign connections and liabilities.

Lord *Althorp* did not think it desirable to go into the subject, but after what had fallen from the hon. Gentleman, he must say a few words. The hon. Gentleman must be aware, that some years ago, there was a strong feeling throughout the country in favour of the Greeks, and the most urgent remonstrances were made, to induce the Government to interfere, to secure the liberty of that people. At that time, negotiations were entered into, for the purpose of settling the government of Greece. He was then one of a small minority who thought that the Government of this country should have nothing to do with the question. Negotiations were, however, entered into, jointly with France and Russia, for the purpose of settling the affairs of Greece. It was then found that a loan was necessary, and it was determined that the allied Powers should be the guarantees for its repayment. The Government of the Duke of Wellington, therefore, thought themselves called upon to give a guarantee on the subject. In addition to this, that Government also found it necessary to make an advance, out of the Army Extraordinaries, to be repaid from the loan. Such was the situation in which Ministers found matters on entering into office. It was utterly impossible that the affairs of Greece could be settled, without guaranteeing the loan. They might have withdrawn from any further proceedings in the matter, but no one would contend that such a line of conduct would have redounded to the credit of the country. The three Powers had, therefore, become guarantees for this loan, and he saw nothing which led him to expect that the present arrangement would not be carried into effect, in a satisfactory manner, or that England would ever be called upon to contribute a single shilling on account of the loan.

Sir *Robert Peel* deprecated all discussion at that time. He would only express a hope that this Government had not guaranteed more than a third of the loan.

Lord *Althorp* said, that the guarantee extended only to one-third.

Mr. *Hume* wished to know if any papers were to be laid before the House, to show that the people of Greece had been consulted on the government which they were to have, for, if not, he feared that what was termed the settlement of that country would prove to be any thing rather than a settlement.

SUPPLY—NATIONAL GALLERY.] House went into a Committee of Supply.

Mr. *Spring Rice* said, that for the first vote for which he had to move, the Committee had been prepared by the previous discussions upon the subject. He intended to move for a grant of 15,000*l.* as the first instalment towards the expense of building a National Gallery. This vote had not been originally included in the annual estimates; but so great a desire had been expressed on all sides, that such a vote should be submitted, that Ministers, after certain preliminary inquiries, had directed the estimate should be made of the expense of the building, The Commission of Inquiry had recommended that it should be erected partly of brick, and partly of stone; but, when it was found that the building it entirely of stone would add only 3,000*l.* to the expense, it was determined to erect it entirely of that material. He conceived that such a structure ought to be expressive of the progress which architecture had made in this country, and it ought to correspond with the general encouragement that had been given to the arts. The Government would receive in exchange the rooms at present occupied by the Royal Academy in Somerset-place, and they could be most advantageously converted into public offices. The 50,000*l.* for which Government meant, on the whole, to ask, would likewise include the expense of a place of deposit for the public records, and the whole sum would be spread over a period of three years, which was the shortest term in which it could be built with propriety, The present vote was for 15,000*l.*

Sir *Robert Peel* felt the greatest satisfaction in declaring that the vote in every respect met with his most cordial approbation. It had been prepared, most properly by his Majesty's Ministers, in deference to the unanimous sense which had been expressed by the House when the subject had been discussed. After his Majesty's Ministers had ascertained what were the strong and general sentiments upon the subject of encouraging the fine arts, in this country, they had taken the course best adapted to accomplish that most desirable object. He was happy to say, that they had entirely divested the question of all party feeling, and had consulted every class of persons most likely to promote the object in view. He conceived, that it would be very false and pernicious economy that prevented such a building being ornamental, and, of the whole sum demanded, 10,000*l.* might be considered as spent for the security of the public records. It was impossible to reflect upon how the public records had been treated, without admitting the necessity of providing for their security; and no detached building could be erected for that purpose for anything like the sum of 10,000*l.* With reference to the Royal Academy, the value of the rooms which they would give up to the public upon receiving this accommodation would be at least 30,000*l.*, or 2,000*l.* a-year; and the public would also gain very much in obtaining these rooms, as they would contribute greatly to the convenience of the Government business. When all these points were considered, together with the saving for the rooms which now contained his Majesty's pictures, he could not but say that in providing a National Gallery for 50,000*l.* Ministers had made an arrangement most favourable and advantageous to the public. When he considered how great and important was the object of having a place in which to exhibit the works of the ancient masters, and the productions of modern artists, he could not but feel that both the Parliament and his Majesty's Ministers did themselves honour by voting this sum. In the present times of political excitement, the exacerbation of angry and unsocial feelings might be much softened by the effects which the fine arts had ever produced upon the minds of men. Of all expenditure, that like the present, was the most adequate to confer advantage on those classes which had but little leisure to enjoy the most refined species of pleasure. The rich might have their own pictures, but those who had to obtain their bread by their labour, could not hope for such an enjoyment. With respect to the situation of the building, it was as well selected as possible, close to Charing Cross, where, as Dr. Johnson said, "the great tide of human existence is fullest in its stream;" and, consequently, where all classes of the community would be equally accommodated. He therefore, trusted that the erection of the edifice would not only contribute to the cultivation of the arts, but also to the cementing of those bonds of union between the richer and the poorer orders of the State, which no man was more anxious to see joined in mutual intercourse and good understanding than he was.

Mr. *Ridley Colborne* supported the vote most cordially. As soon as the building was complete, he was convinced that valuable works of art would be contributed to it from all quarters, and which had hitherto been withheld merely because there had not been any place to put them in, appropriated by the country. He wished once more to advert to the subject of the celebrated obelisk, called Cleopatra's Needle. He understood that there might be some difficulty in bringing it over to this country; but Ali Pacha had offered for the same sum of money an obelisk equally beautiful, which was now at Grand Cairo. He wished to know what were the intentions of Ministers upon the subject?

Lord *Althorp* said, that he had been, at first, unwilling to incur the expense of erecting a new building for the purposes of the present grant. But the sense of the House had been so strongly expressed upon the subject, that he thought the Ministers would not have done their duty if they did not apply for the grant. In reply to the question of the hon. Member, he had to say, that the obelisk referred to was in such a state of decay, that it would not be worth the expense of removing it to England; nor did he think that, if a suitable place for its erection could be found, it would be any great ornament to the metropolis.

Mr. *Hume* concurred in what had been said by the right hon. Baronet (Sir Robert Peel) respecting the propriety of the grant; but he thought that all the public records of this country ought to be brought together in one place, and that a separate building should be appropriated to their preservation. He would suggest, that accommodation should be provided for the Royal Society, as well as for the Royal Academy, in the same building with the new National Gallery. By such an arrangement, the Government would be enabled to remove to Somerset House those public offices which were at present held elsewhere; and he was sure that the value of the rooms, at present occupied by the societies, would, when applied to public purposes, go near to cover the expense of the new building. He trusted that, in providing accommodation at the public expense for the Royal Academy, the Government would take care that the bye-laws of that institution should undergo such a revision as would render the Academy really useful to the advancement of the fine arts in England. He had heard complaints from several artists, that, in many respects, the institution was managed more with a view to promote individual interests than for public purposes. Before he sat down, he would express a hope that the estimates would undergo a careful examination before the building was commenced, and that no deviation from the contract would be allowed.

Colonel *Sibthorp* hoped, that he should hear no more of such nonsense, as the paying of 10,000*l.* for Cleopatra's Needle. He hoped that the new building and the public records would be accessible to the public, without such extortion of fees, as people were subjected to in visiting Westminster Abbey, or St. Paul's, or any other public building in this metropolis.

Sir *Robert Inglis*, in expressing his approbation of the grant, took occasion to complain of the disgraceful state in which Westminster Hall was suffered to remain. He contended that there were no just grounds of complaint against the members of the Royal Academy. He did not think that the present grant would be found sufficient for the completion of the projected building.

Mr. *Spring Rice* said, that great care had been taken to make the estimate rather beyond than within what it was anticipated would be required. The sum of 50,000*l.* comprised every charge of any consequence. The hon. member for Middlesex might rest assured, that his Majesty's Government would not proceed one step in the undertaking until every possible care had been taken to ascertain that every charge was included.

Mr. *Warburton* hoped that the site for the National Gallery would be so chosen as to leave ample room for pictures which might be contributed to the Gallery by the nobility and others, because it must be well known, that repeated donations, and those of a most munificent description, had already been made. He understood that the area near the proposed site was occupied by barracks; but he hoped that, if, at a future time, it should be requisite to enlarge the room for pictures, the barracks would be made to give way to the wants of a National Gallery. As to making a separate building with a view to the safe keeping of records, he would only state that the charter by which a title to a large portion of North America was established, had been recently found, by accident, in some dark corner of the present office.

Mr. *Robert A. Dundas* hoped, that in the erection of a National Gallery, care would be taken to provide room for the exhibition of statues; as at present there were great difficulties in the way of youthful sculptors, from the want of some place where they might have ready access to the best works of art, as well as from the want of a place, where they might exhibit their own productions. In reference to the Royal Academy at Somerset House, he must say, that he saw no reason why their bye-laws should not be laid before the House, for he had known instances in which persons possessing the greatest ability had not been able to obtain the rank of Royal Academician.

Sir *Matthew White Ridley* observed, that statues required to be so placed, that the shadows should fall upon them in a particular way, so that a difficulty would always exist on this head. In reference to the Royal Academy, he was aware that a strong feeling existed against that institution, from an idea that the Academicians did not act fairly; but he was quite sure that, looking to their proceedings, every one must allow that vacancies were filled up, in all cases, by men of superior and acknowledged talent. Having had conversations with many artists, he would say that those who had the task assigned them of receiving pictures, or hanging them, had to fill an office to which much odium attached. Again, for want of room, the Academy were obliged annually to return many hundred pictures sent for exhibition.

Mr. *George Bankes* condemned the idea of removing Cleopatra's Needle, and other ancient relics. He would, for instance, much rather that the temple of Sesostris remained in its present situation.

Mr. *Hunt* said, he was so devoid of taste that he had much rather the French had the job of removing those specimens of ancient architecture.

The Vote agreed to.

SUPPLY—COLONIAL ESTIMATES.] The next Question being put, that a sum of 4,973*l.* 4*s.* be granted to defray the expenses of the Civil Establishment in the Bahama Islands,

Mr. *Robinson* objected to the sum of 2,635*l.* being given as salary, &c., to the Governor.

Lord *Howick* defended the grant. It was not too much for the responsible situation of the Governor, and to enable him to keep up that dignity and hospitality which were required of him.

Mr. *Hume* objected to this vote, on the principle that our colonial establishments ought, as much as possible, to be made to defray their own expenses. With respect to the Governor of the Bahamas, who received a salary of 2,635*l.*, he thought that it would be a much better course to leave the colonists to find a Governor for themselves; the result of which would be, that they would, for their own sakes, appoint a respectable person; and he would answer for it, that they would find some one who would be willing diligently to discharge the duties of the office, for a smaller remuneration than that now conferred on the present Governor of the Bahamas.

Mr. *Goulburn* was of opinion, that the salary was hardly adequate, considering the expenses and inconveniences that were attached to the office.

Mr. Hunt moved, as an Amendment, that the salary be reduced from 2,635*l.* to 2,000*l.*

Sir *Charles Wetherell:* Does the hon. member for Middlesex think that his objection to-night is either fair or candid, after his speech on the Russian Dutch loan? Can he imagine, after that display, that his miserable, wretched cavils about economy, can be heard without utter scorn and contempt? Those who heard the manner in which he then argued and voted, that black was white, for the purpose of keeping Ministers in office, when the sum in question was 3,000,000*l.*, must hear with ineffable contempt his dirty squabbling on the question whether a man, who exposes his life for the service of his country, is to lose a few hundreds a-year of his income? I say that it is clear that this vote is not one penny more than it ought to be; and I trust, that the hon. member for Middlesex will in future abstain from insulting the House with his penny-farthing economy, and from daring to indulge in his contemptuous attempt to persuade us to adopt so paltry and miserable a policy.

Mr. *Hume:* If anything like what has just fallen from the hon. and learned Gentleman had fallen from any other person, I certainly should have been surprised at it; but I am so accustomed to hear from him language which no other Member would use, that all surprise has long ago ceased. I will, however, take the liberty of telling him this—that before he finds fault, he should learn to speak the truth; for the vote to which he has alluded had nothing to do with economy whatever, the Motion having been made entirely from party feeling, to serve party purposes. The fact, however, is, that the hon. and learned Gentleman, and his friends, feel that their scheme has completely failed; and they are so sore under it, that now they are smarting, they are ready to take this or any other mode of lightening their sufferings. I beg to tell the hon. and learned Gentleman, that I shall dare to state to the House whatever I may think proper and right, and in so doing, I shall not be guided by his opinion as to whether I am insulting Parliament. If any one has insulted the House of Commons, it is the hon. and learned Gentleman himself; nay, further, if any one has made himself absurd, inconsistent, and ridiculous in this House, it is the hon. and learned Gentleman; and as to treating the House in a contemptuous manner, I hope no one feels that any thing of that sort has ever proceeded from me. With respect to this being a miserable reduction, I do not believe that the hon. and learned Gentleman knows anything about it; he has come in in the middle of the discussion, and talked on a subject concerning which he knows nothing. My observations went to the colonies in general; and my argument was, that it was a bad example to be paying the officers high salaries, while the colonists themselves were suffering from distress. I, therefore, say, that the hon. and learned Gentleman's observations were unworthy of the House of Commons, and that he is continually attempting to state what is not the fact. In the debate on the Russian-Dutch loan, what I stated was, that I had frequently voted against my conviction in the progress of the Reform Bill, for the sake of carrying the whole of that measure; my aim was not to throw obstacles in the way; for God knows, there was enough of them from the other quarter. I further stated, that it appeared to me that the hon. and learned Gentleman and his friends, were calling on the House for its vote, under the plea of economy, and under the threat of an appeal to the hustings, though the real object was to place the Ministers in a minority, and so to force them to resign; and in proof of my assertion, I called on the hon. member for Thetford, and the right hon. member for Tamworth to state whether, if they were in office to-morrow, they would refuse the money to Russia? That appeal was not answered: and I think that alone is quite sufficient to set aside all questions of economy. The manner in which the hon. and learned Gentleman continually brings up this topic only shows how he is smarting under his defeat; and, to speak honestly, I am very glad of it.

Mr. *Goulburn* admitted the propriety of the last part of the hon. Member's remarks as to his right of expressing his sentiments, but concurred with his hon. and learned friend in censuring the inconsistent conduct of the hon. member for Middlesex upon a recent occasion. He deprecated any attempt to reduce the remuneration to persons serving as Governors in the colonies, who must make great sacrifices.

Sir *Charles Wetherell* could assure the

House, that, in the annals of the House of Commons, nothing ever fell from any hon. Member which occasioned more disgust than the conduct of the hon. Gentleman. Hon. Gentlemen opposite, he observed, cheered the member for Middlesex when he rose, but that cheer was quite out of place. He did not expect to hear the member for Middlesex cheered by the Gentlemen opposite for the vote he gave upon the subject of the Dutch Loan. The hon. Member said, he would vote black white, and white black. There was a time in the history of that House when such expressions would be taken down at the Table. The hon. Member said, he never voted in favour of economy or any other useful object. Now he begged to remind him, that he (Sir Charles Wetherell) opposed the establishment of the New Bankruptcy Court, which the hon. Member supported, and which would entail a useless expense of some thousands of pounds on the country.

Mr. *Hunt* said, he had more reason to complain than the hon. member for Middlesex, for it was to him the hon. and learned Gentleman alluded, when he used the words miserable, dirty, paltry, farthing economy. To minds constituted in a certain way it might be worth some thousands to be able to tyrannize as a Colonial Governor sometimes did. Six hundred a year was not so very paltry a sum.

Mr. *Spring Rice* appealed to the other votes, and especially to the next, as a proof that his Majesty's Government had shown every wish to make all practicable reductions.

Mr. *Burge* defended the vote, and was prepared to maintain that the civil establishment of the colony could not be maintained at a less expense.

Amendment withdrawn and Vote agreed to.

On the question that 800*l.* be granted for the Civil Establishments of Nova Scotia,

Mr. *Robinson* was very happy to receive this vote as evidence of the disposition on the part of his Majesty's Government to diminish the expenditure of that colony.

Lord *Howick* observed, that at one time the expense of that colony amounted to 6,000*l.*, that it was now reduced to 800*l.*, and next year it would be nothing.

Vote agreed to.

5,624*l.* was moved for the Civil Establishment of Bermuda.

Mr. *Robinson* objected to the payment of such a sum as 1,500*l.* to the Colonial Secretary in Bermuda.

Lord *Howick* said, it was not a greater sum than had been paid to other Colonial Secretaries, and the duties of the Secretary in that colony were much enhanced by the circumstance of its being a convict colony. It was also to be recollected that the Secretary in that colony, on a small scale performed most of the functions exercised upon a larger scale in this country by the Secretary of State, and that much important correspondence devolved upon him.

Mr. *Dixon* agreed with the noble Lord, that the Secretary had important duties to perform, and would support the Motion.

Mr. Burge also supported the Motion.

Vote agreed to.

4,025*l.* for Prince Edward's Island was voted.

On the Motion that 16,576*l.* be granted for the Civil Establishment at Newfoundland,

Mr. *Hume* hoped the Government would relieve the country from this charge before many months passed over.

Lord *Howick* said, that all practical reductions would be made, but that he feared they could scarcely be accomplished to the extent which the hon. member for Middlesex, on that, and on former occasions seemed to desire. There were scarcely any expenses connected with that establishment, which did not materially contribute to the general prosperity of the island—for example, the Admiralty Court there was an establishment of much importance.

Mr. *Robinson* would answer for it, that the colonists of Newfoundland would speedily be in a condition to defray the expenses of their own establishments; but as to the Admiralty Court, there could be no doubt that it was unnecessary, and there ought to be no new appointment when the judicial seat in that court became vacant; and for this reason, that all the decisions made there were afterwards reviewed by the Supreme Court. In his opinion the Admiralty Court was wholly unnecessary.

Vote agreed to.

The next Vote was, that 43,043*l.* be granted for the Civil Establishments on the Western Coast of Africa.

Mr. *Hume* reminded the Government that a Committee had recommended that these Establishments should be withdrawn. And he expressed his surprise, that such a large sum was yet demanded for them.

Lord *Howick* believed the hon. member for Middlesex was mistaken as to the recommendation of the Committee. If he understood rightly, the recommendation was, to transfer the establishment at Sierra Leone to Fernando Po. The Spanish government, however, had refused to surrender its rights to Fernando Po, and he believed the suggestion of the Committee on that subject could not be acted upon. With respect to the establishment at Sierra Leone, a great improvement had taken place in the condition of the liberated Africans, and he feared that the progress of civilization would be considerably impeded, if our establishments in that colony were suddenly withdrawn.

Mr. *Hume* doubted whether any great improvement had taken place in the colony. Indeed the evidence of the two Judges who had returned from it, and who had given their evidence very fairly, satisfied him that no great improvement was to be expected in the colony of Sierra Leone.

Lord *Howick* said, one reason for retaining Sierra Leone was, that the Mixed Commission for deciding in cases of the capture of slave-ships, could not sit at Fernando Po, as it was not British territory. By the last accounts received in May from Sierra Leone, it appeared that it was greatly improved, and that the blacks settled there were greatly advancing in habits of industry, the adjacent country for a distance of twenty miles being cultivated to the very tops of the hills. It would not be good policy to relinquish these advantages for a small saving of money.

Sir *George Murray* observed, that the establishments on the western coast of Africa had arisen out of the desire which existed in this country to put down the slave-trade. Sierra Leone was the situation first adopted. But the principal scene for the operations of the slave-ships being in the Bight of Benin, great mortality occurred on board those ships, when captured, in the voyage between the Bight of Benin and Sierra Leone. It was, therefore, deemed advisable to remove the settlement to Fernando Po. This change was recommended before he came into office. His own opinion was, that by pursuing this course they created two evils instead of one. If France acted up to her own treaties, like this country, more would be done for putting down the slave-trade than had ever been effected, and there would be no necessity for retaining Fernando Po, a station which he looked upon to be quite as unhealthy as Sierra Leone. If they removed the slave trade from the Bight of Benin, they might give up Fernando Po, but he should be sorry to hear that Sierra Leone was to be given up, if it were only on the ground stated by the noble Lord (Howick), that giving it up now would check the progress of civilisation. The spread of civilisation was the only effectual mode of abolishing slavery. Lamenting deeply as he did the mortality at Sierra Leone, and the expense which it occasioned, he should, at the same time, be averse to giving up that colony. He had before suggested that an improvement might be effected by altering it from a British colony into a native state, under the protection of Great Britain; and he had had an opportunity, while he held office, of appointing two persons of African blood to situations there. He thought that that principle might be followed up with advantage.

Mr. *Dixon* objected to the establishment at Sierra Leone as a sacrifice of the lives of Europeans. If we were to keep up either station, we ought to keep Fernando Po as more healthy than Sierra Leone.

Lord *Sandon* thought, after so much expense and trouble had been taken, it would be proper to pause before they gave up the establishments on the coast of Africa.

Vote agreed to.

The next vote was for 27,438*l.* to defray the charge of the Ecclesiastical Establishment in the North American Colonies, &c.

Mr. *Hume* knew that the North American Colonists did not wish to have one farthing of this grant. It was not for the support of religion, but for the exclusive support of a fraction of the people. It was like a vote for the Roman Catholics in England, under a pretence of providing for religion. It was extremely mischievous to continue this grant. He would not oppose this vote if the grant were to be wholly reduced in four years. It was a waste of money to vote it for a sect. The Government had undertaken to reduce the grant, and if he did not understand that something of that kind were to be done, he should oppose the vote.

Lord *Howick* said, that as the clergymen died off, or were otherwise provided for, their places were not to be filled up.

Mr. *Hume* asked, if Bishops and all were to go?

Lord *Howick* said, Bishops and all; and the salaries were to be withdrawn from the Ministers of the Established Church. It was resolved that the North American Colonies should pay their own clergymen.

Sir *Robert Inglis* was surprised that the grant should be so small. He thought adequate funds ought to be provided, for affording the fullest means of religious instruction to the people intrusted to their care. He protested against the language of the hon. member for Middlesex, in calling the followers of the established religion a sect. If the hon. Member would consult any legal authority in that House or out of it, he would find, that in every colony of England the Church of England was the Established Church. That principle was recognized by Mr. Locke, in the constitution which he drew up for South Carolina. He thought that adequate means should be provided for the purpose of affording religious instruction to the people in our colonies. The hon. Baronet concluded by repeating, that wherever the flag of England waved, the Church of England was there the Church established by law, and that he made not that statement on his own authority alone, but upon the high authority of Mr. Locke.

Mr. *Dixon* said that, as a Scotchman, he could not sit still and hear it declared, that wherever the flag of England was flying, the doctrines of the Church of England were the established religion of the land. He did not care who asserted the contrary; whether the authority was ancient or modern, he denied it; and to support his principle, he should move the reduction of the grant, even though that reduction only amounted to a sixpence. He should do it merely to assert a principle. The true way to alienate the feelings of Canada, as well as of Ireland, was to make the people of those countries pay for religious establishments to which they did not belong, and he was, therefore, glad that his Majesty's Ministers had adopted the course they were pursuing in this instance.

Lord *Howick* said, with respect to the hon. Baronet's observation as to the smallness of the grant, he was happy to say, that Canada was almost able to maintain her own Church Establishment: and he did not see why this country should be called upon to maintain a Church Establishment in Canada, any more than it was called upon to defray the expense of maintaining a police establishment in that colony.

Mr. *Labouchere* expressed his satisfaction at the course pursued by the Government, and at the state of the colony which permitted them to pursue it; and he wished to remind the hon. Baronet opposite that, by the faith of the most solemn treaties, the Roman Catholic religion was the established religion of a great part of Canada.

Mr. *Hunt* was pleased to hear what the Government had done, and only wished they had gone further in reducing the amount of the grant.

Mr. *Sheil* reminded the hon. Baronet that in one part of Canada the Roman Catholic religion was the established religion, not only by the faith of treaties, but by the provisions of an Act of Parliament, the 14th Geo. 3rd, by which the Catholic inhabitant was obliged to pay tithes to his church, which was the Established Church, while the Protestant paid no tithes, for the Established Church was not his church. There was certainly some difference in this respect between Canada and a place a little nearer home; and perhaps the Catholics ought to call the system followed in Canada, with respect to the Protestants, a robbery of the Catholic Church.

Mr. *Goulburn* said, that this country was bound to keep up the Established Church in the colony in the same state as heretofore. He, therefore, objected to the reduced amount of the grant.

Mr. *Spring Rice* said, that so far from Parliament having been hitherto cognizant of this grant, the greater portion of it had been generally supplied from a quarter which it would puzzle the most ingenious Gentleman in the House to conjecture—namely, from the sums voted for the army extraordinaries. It could not be said, then, that the principle on which this grant was made had annually come under the cognizance of Parliament. This colony was fully able to support its own religious establishments, and, under such circumstances, the best course obviously to pursue was, to throw them on the colony for their support.

Sir *George Murray* said, it had not yet been proved that Canada could afford to pay for the Church Establishment; and he considered it was the duty of that House to contribute to its support. This country was bound to maintain the establishment of religion in the colonies, and to provide for them instruction in the truths of Christianity. He was no bigot in religion, and he must confess, that he had always regretted the allotment of lands for the exclusive support of the Protestant Church. He wished that the clergymen of every Church should be adequately provided for, and that with a view to the support of the Protestant Church. The Catholic Clergymen were already provided for, as well as the Protestant, and so it should go on for the support of the Ministers of every large sect. Emigration had extended to a great extent;

he considered it advisable to encourage it, and, to make it useful, religious instruction should be provided for by every class of emigrants.

Mr. *Robinson* said, he was as much opposed as any man to the setting up an exclusive system of religion in our colonies; but the question here was, was the present grant to be withdrawn from the Canadas, no matter from what source the money was obtained? He thought it should not be suddenly withdrawn, and the more so as it was calculated to support the Protestant Church in our colonies. The change now proposed was too hasty, and, therefore, he would oppose it.

Mr. *Dixon* was convinced that one of the greatest mischiefs in our colonies was the want of spiritual instruction for all the different sects who resided there. The people of Canada could now support their Church Establishment, and, therefore, we ought not to pay for it.

Mr. *Hunt* said, that the people of England ought not to be forced to pay large salaries for either Protestant or Catholic Bishops in the Canadas.

Sir *George Murray* bore his testimony to the high character of the Bishop of Quebec, than whom a more able or zealous clergyman did not exist.

Vote agreed to.

SUPPLY—MINISTERIAL PLAN OF EDUCATION (IRELAND). Mr. *Spring Rice* moved that a sum of 37,500*l.* be granted in aid of the funds to be appropriated to the new system of education in Ireland.

Mr. *James E. Gordon*, after eulogising the conduct pursued by those who hitherto had the direction of Irish education, contended that no plan could succeed which did not take the Scriptures as its basis. They might succeed in making the people more intellectual, but, without the Scriptures, they could not make them more moral. They might give the Irish such an extent of information as would enable them to pen Rock notices or Terry Alt letters, but they could not make them useful, moral, and respectable members of the community. Another objection which he had to the proposition was, that Government were introducing this new system of education, not where there was no system of education before (in which case it would have been meritorious), but where there was already a system of education which had flourished to an extent unprecedented in the history of any country. But it had been said, that the Protestant schools were obnoxious to the great majority of the people of Ireland. That was not the case. To the Catholic priesthood they were certainly obnoxious; but he had yet to learn why Parliament was to consult the wishes or succumb to the will of the Catholic priesthood of any country. It was bad policy to interfere with these schools. Adverting to the application which had been made to the Board of Commissioners in Dublin for the new schools, he observed that twenty-nine of those applications were stated to be from persons professing to be Protestant clergymen of the Establishment. The moment that he read this statement, he knew it to be unfounded; and, accordingly, he ascertained on investigation, that of the twenty-nine, fourteen were indisputably Arians, Socinians, and other dissenters, wholly unconnected with the Church Establishment, and that there was every reason to believe, that of the remaining fifteen, not half were Protestant clergymen of the Establishment. It thus appeared, that of the 1,400 Protestant clergymen of the Established Church in Ireland, to the appeal which had been made to them (sanctioned too as that appeal had been by the Metropolitan Archbishop, who was a member of the Board of Commissioners), not fifteen had responded. The new schools were conducted in such a way as to make it very unlikely that they could be attended by Protestant children, although they received the assistance of a Protestant Government. The new plan was founded on the declaration that the preceding system had been exclusive in its character; but it was impossible that any system could be more exclusive than that introduced by his Majesty's Government. So exclusive was it, that of 10,000 Protestant children, not 100 attended. He held in his hand a sheet of the Commandments as prepared for these schools. Some of them were taken from the Roman Catholic Bible, some from the Protestant Bible, and some were compounded of the two. For the Protestant commandment, "Thou shalt not make to thyself any graven image," was substituted the Catholic commandment, "Thou shalt not make to thyself any graven thing;" the word "thing" being substituted for the word "image," because the latter militated against the practice of the Catholics. Yet this was the commandment which the Protestant children were to have. Again, to one of the Scriptural texts a Catholic note was attached, declaring that it was the Virgin Mary who crushed the serpent's head, and thus ascribing to the Virgin that power and authority which the Roman Catholics attributed to her, but which the Protestants denied her. And this, also, was to be put into the hands of Protestant children. If any one truth were more clear than another, it was that such concessions, and such a system would be the wreck of the Protestant Establishment. Adverting to the numerous petitions which had been presented on the subject, the hon. Gentleman contrasted those which proceeded from Roman Catholics, Unitarians, Political Unions, &c. with those which proceeded from well-educated members of the Establishment, and dwelt upon the superior weight which the latter ought to have with the House. For all these reasons, he must decidedly oppose the grant.

Mr. *Andrew Johnston* hoped the prayer of the Petition of the General Assembly of Scotland—namely, "that full liberty should be secured to the Protestant children to read the whole of the Bible without note or comment"—would be attended to. If the right hon. Gentleman would state that such was the intention of his Majesty's Government, he would withdraw his opposition to the grant.

Mr. *Stanley* said, the scheme as originally laid down did not prohibit the establishment of a Bible class in every school, if it were desired by the Protestants in attendance. It would be the duty of Protestant ministers to attend to that; but if Government were to insist upon having a Bible class in every school, they would be insisting on a regulation that could not be complied with in many cases, and which would be evaded in others. This was precisely the case with the Kildare-street society. They insisted upon that which drove away the Catholics from the schools by the very name of it, at the same time that evasions were resorted to in many instances, which had the effect of leaving the Protestants without substantial religious instruction. In framing a system of education, it was necessary to look to the circumstances of the country for which it was designed, and a scheme which might perhaps be applicable to England or Scotland, would not succeed in Ireland. In England or Scotland we might possibly insist on the formation of Bible classes in the schools with advantage; but in Ireland such a proposition would drive away the poorest and most ignorant of the people. He denied that the framers of the Government plan of education were averse from, or indifferent to, Scriptural instruction: the schools were not intended to do away with Scriptural education, but to give as much of it as it was possible to prevail upon the people to receive.

Mr. *Macnamara* questioned the accuracy of the information of the hon. member for Dundalk, and could state from his own knowledge that the return relative to a school in Clare was incorrect, the name of the party referred to being a forgery.

Mr. *James E. Gordon* defended the accuracy of his statement. It could not be expected that he should be acquainted with the handwriting of every schoolmaster in Ireland; nevertheless, he believed that the signature of the honest man in question was authentic.

Mr. *Macnamara* said, it was not the name of an honest man, but of an honest woman, and he repeated that the signature was a forgery.

Mr. *O'Ferrall* accused the hon. member for Dundalk of misrepresenting the tenets of Roman Catholics in order to induce individuals to vote in a particular way. This was not the first time that the hon. Gentleman had misrepresented the Roman Catholics; he had followed a similar course in former speeches, and had unsuccessfully attempted to show that improper books were used in Catholic schools, under the sanction of the Roman Catholic clergy. In making that particular charge, the hon. Gentleman had merely followed the footsteps of the late member for Drogheda, and with precisely the same result. In each instance, the imputation was satisfactorily rebutted. He did not think it worth while to follow the hon. Member through his statements and opinions, with a view to refute that to which nobody attached the slightest importance. On a former occasion the hon. Gentleman made some assertions with respect to the College of Maynooth, which he (Mr. O'Ferrall) had been blamed for not answering; but if people in Ireland knew the degree of weight which attached to the hon. Member's observations in that House, they would scarcely find fault with any person for passing them by in silence.

Mr. *Goulburn* defended the conduct of his hon. friend, and said, that if a comparison was to be instituted between his hon. friend the member for Dundalk, and the hon. Member who had just sat down, his hon. friend the member for Dundalk, would not, in sincerity, in ability, or in conduct, be found inferior to the hon. member for Kildare. He objected to the vote because it went to the support of a system of education which was injurious to the welfare of the community of that Protestant country. The question was, by this vote, to be put on a new footing. It was true that the Legislature had heretofore granted money to Ireland for the purposes of education, but of that education religion had always been a fundamental principle. There had been a compromise both on the part of the Protestants and the Roman Catholics, and it had succeeded well. But, even if the old system were to be abandoned, that was no reason the proposed one should be adopted. It was a great and a most objectionable change. The Protestant was called upon to sacrifice what had been hitherto regarded as a most important and indeed fundamental principle, and the Roman Catholic was to surrender nothing. Parliament had laid it down that religion should be the basis of public education, and yet, in the plan now brought forward, that grand principle was abandoned. He contended that the plan proposed, instead of smoothing difficulties, and wearing out by degrees opposition, would mark still more distinctly the true professions of the two religions, and perpetuate their conflicting opinions. He was decidedly of opinion, therefore, that the present system was at variance with the original design of grants to Ireland for the purposes of education. Nor were these the only objections; the Protestants of Ireland could not avail themselves of the schools to be established. The ornamental was put before the essential, and such a structure must ever prove unstable. He apprehended the worst consequences from the measure; and he implored the Committee to consider well before it decided in favour of it. If public education was not based on religion, it might make good leaders of Political Unions, good agitators, but it would not make good subjects, or happy men. If the Word of God was to be neglected, there was an end of all the blessed effects which were generally attributed to education.

Mr. *Spring Rice* thought the right hon. Gentleman opposite had argued the question in a very temperate and proper tone. He admitted the principles which the right hon. Gentleman avowed; but, on those same principles, he came to a very different conclusion. The right hon. Gentleman contended for the propriety of founding all education on a religious basis; but the House must not, therefore, suffer itself to be deceived into a belief that this was the real question at issue before it, for the propriety of that was admitted by all parties. He was very glad that the tone of the opponents of the system had so much changed, for on no question that had been brought before Parliament, had facts been more grossly perverted, or arguments more strangely exaggerated than on the present question. They heard nothing now of the mutilations of the Scriptures, which used to form so favourite and prominent a topic in the speeches of hon. Gentlemen opposite. It had been said, that the Protestants of Ireland had declared against the system; but he could not attach much weight to the opinions of the Protestants of Ireland, excited as they had been by the most wicked perversion of facts, and when Ireland had so recently been turned into a political arena, apparently for the purpose of raising bad blood between Protestants and Catholics, and fighting the battle of Reform over again. He then referred to a meeting which had lately taken place in Ireland, in the county of Down, at which a noble Lord, for whose private character he professed great respect [*Lord Roden was, we believe, the nobleman alluded to*] addressed the meeting, and told them that their children were to be bereft of the Word of God; that his Majesty's Ministers denied the Word of God to the people; and it was stated, that at that moment several persons in the multitude held their Bibles up in the air, and declared they would keep them in spite of the Ministers. Could there be a more flagrant imposition on the people of Ireland than such a statement? Here were the Ministers; let any Gentleman come forward and make such a charge if he could sustain it. The hon. member for Dundalk (Mr. James E. Gordon) had said, the old system worked well, and spoke of the numbers instructed at these schools. But it was proved in evidence before the Commissioners of Inquiry, that children were sent from one school to another at the time of inspection, and thus the numbers were materially magnified. He denied that it worked well; for it had produced much of the bad blood which existed in Ireland between Protestants and Catholics. The right hon. Gentleman then showed in detail that the extracts read in the schools during the four days allotted to literary instruction, and the time allotted exclusively to religious instruction, afforded to the pupils as much religious knowledge as could fairly be communicated by any system of education. The Government had thought proper to adopt some of the suggestions of Mr. Leslie Foster, which he thought would be productive of great advantage. He understood attempts were making to revive the Kildare-street Society. If Gentlemen chose to do this from their private resources, there could be no objection; and he admitted that some good had resulted from the exertions of that Society, more particularly in the north of Ireland.

Colonel *Perceval* denied, that in the schools of the Hibernian Society or the Baptist Society, of both of which he was a member, it was made a requisite in candidates for the office of master that they should belong to the Protestant religion. *Cœteris paribus,* individuals of the Roman Catholic persuasion were invariably preferred.

Sir *Robert Inglis* would endeavour to follow the tone and temper of his right hon. friend, the Secretary of the Treasury, which best became the grave and momentous subject before the Committee; nor did he feel any inclination to deviate from it, except with reference to the attack made upon his hon. and gallant friend, the member for Dundalk, by the hon. member for the county of Kildare, whose cool and self-complacent assumption of superiority was unwarranted by any difference in their station, in their talents, or in their character, in or out of that house. Dismissing this subject, because the question ought to be discussed on higher than personal grounds, and without any feeling of personal hostility, he must express his dissent from his right hon. friend's doctrines even in the first principle which he laid down as the rule of debate on this subject. He said that quotations from Scripture ought not to be introduced. Now if it were admitted that on every subject of secular policy, the question ought to be decided by the spirit of the Gospel, he thought, that on a subject directly connected with the education of the people as a religious duty, the direct authority and very words of Scripture might fairly be quoted. He differed, however, from his right hon. friend still more in the practical view of the measure before them. He objected to the Government plan of education upon general grounds applicable alike to this and to any system of education. He thought that no comprehensive scheme of education could be framed for Protestants and for Roman Catholics together, which the nation ought to adopt. Independently of any reasoning on the subject, he had the testimony of several prelates of the Church of Rome, as well as of the Established Church. He would begin with the greatest. Archbishop Magee said, "The one comprehensive scheme of education, I think, under the existing circumstances, to be quite impracticable. The principle upon which I go is this. I am of opinion that so much of what is vital to education is necessarily compromised, in order that there should be a common system, that I would hardly give the name of education to the result." Now, what say the Roman Catholic prelates? In their famous petition to the House of Commons in 1824, they say that schools whereof the master professes a different religion, cannot be resorted to by the children of Roman Catholics; thus requiring from Protestants universally the concession that the schoolmaster must be a Roman Catholic. Then, as to the use of the Scriptures, what says the Roman Catholic primate, Dr. Curtis, in the ninth report? "Any thing read before Catholic children, that is, any thing read to Protestants, in a mixed school, must be taken from the Catholic version." Again: "The conformity must be not only a conformity with the Vulgate, but a conformity with that translation which we have adopted." Dr. Kelly says, "the whole translation shall be in conformity to the Vulgate." Where was the concession here? What was the hope here of recommending a system of united education to the Protestant people of this country? Not only must the schoolmaster be Roman Catholic; not only must the version of Scriptures be Roman Catholic for their own children, but any thing read to other children in their presence must be from the same Roman Catholic version. The right hon. Secretary to the Treasury congratulated the Committee that he had heard no more about the mutilation of the Scriptures, or the exclusion of the Scriptures. Let him be assured that these charges, though in the multitude of objections not formerly repeated, were not abandoned, but were held now by him (Sir R. Inglis) as strongly as ever. His right hon. friend, however, produced in triumph his book of Bible extracts, in proof that the Scriptures formed a part of the general literary instruction under the new system. Now, in the first instance, the doctrines of the Gospel derive their authority from being found in the Word of God, and its moral precepts must not be extracted like maxims of Epictetus, and left to find their own way into the world, as a question whether they may or may not be binding. Children should be taught, in the first instance, the binding obligation of the Bible itself. In the next place, the very principle of selection is one, all the advantage of which is necessarily on the side of the Roman Catholics. A Protestant can gain nothing by the substitution of a selection for the entire volume; a Roman Catholic may gain everything. The Bible and the Bible only, the whole Bible, and nothing but the Bible, constitutes, in the memorable words of Chillingworth, the religion of Protestants, as distinguished from that of the church of Rome. But it had been sometimes said, the present plan was no more than the adoption of a recommendation of the Commissioners of Irish Education in their famous report drawn up and published many years ago. The answer is, that, admitting the scheme to be the same, yet, in the one case, it was an experiment in addition to every existing institution; in the other, it is an experiment in substitution. Every existing institution of education for the poor is to be destroyed, so far as Government patronage is concerned, and instruction in Popery is now for the first time, since the time of Queen Mary, to be provided by the State. [*Mr. Spring Rice said across the table, "Maynooth."*] He, (Sir Robert Inglis,) was too well aware of this; and had often expressed his opinion on the subject. It was a direct, but it was an insulated act for instructing people in the doctrines of the Church of Rome. The present system is co-extensive with the realm of Ireland. But, on the subject of Maynooth, he felt, as he formerly said, that the opinion of the best and greatest Minister of latter times, Mr. Percival, was no longer applicable to the continuance of the grant. Mr. Percival held that Maynooth was a legacy bequeathed by the Irish Parliament to the Imperial Legislature, and that we could not alter it; but when it appeared, by a return now on the table, and in his hand, that almost every other institution bequeathed in like manner to the nation at the time of the Union, was curtailed or suppressed, there was no longer the ground alleged for maintaining Maynooth. This, however, was not the immediate subject of debate. Believing that it was the duty of this country to give to the people the best religious education in their power, and believing that this object was not attained by the Government plan, he gave it his most decided opposition.

Sir *Edmund Hayes* said, the conduct of Lord Roden, which had been alluded to, had been most patriotic, and the charges which had been made against the noble Lord, in the course of the debate, by persons whom he was sure would not dare open their lips in accusation in his presence were most unfounded and illiberal. The language used by that noble Lord at the meeting in the north of Ireland he (Sir E. Hayes) had no hesitation in adopting; indeed he was sure that the noble Lord's words would, if necessary, be adopted by almost every respectable person in the district which he had the honour to represent, for they were words of a known well-wisher and supporter of the Protestant institutions of his country. With regard to the question before the House, he was sure the system must fail, for the Protestants of Ireland would never consent to have a book of extracts put into their hands when it was in their power to have the word of their God whole and unmutilated.

Mr. *Wyse* said, the right hon. Gentleman had expressed his surprise at the different state of education in England and Ireland, and wondered why lavish grants should be made for education in the latter country whilst none were required for that purpose in England. Did he not know the history of Ireland? Was he not aware that, subsequent to the Reformation, papal laws were passed making it a crime to educate Roman Catholics? Did he not remember the statutes which forbad a Catholic to teach under the penalty of 12*l.*, and which prevented a Catholic father from educating his child at home? Was it surprising that the country should be driven into a state of barbarism under such laws? At length the Protestant Church, finding it necessary to cultivate the public mind, instituted a system of education, under the patronage of Government, which was chiefly intended for the purpose of proselytism. There would be no occasion for grants of money for the purpose of education in Ireland, if the clergy of that country would fulfil the sacred obligations of the oath they took on being inducted into their livings. The celebrated Statute of Henry 8th declared that every clergyman, on accepting a living, should establish and maintain a school for the teaching of English. If the incumbent should neglect to do so he was to be fined, for the first offence, 6*s.* 8*d.*; for the second, 20*s.*; and, upon the commission of the third, his living was to be declared vacant. But how had the Protestant clergy fulfilled their duty in this respect? By the returns it appeared that, in 1788, the number of benefices in Ireland was 828, and the number of schools maintained by Protestant clergymen 361. Some hon. Members seemed to think the plan of education proposed by Government to be hostile to the institutions of the country, and opposed to Christian feeling. If these Gentlemen would read history, they would find that the same system had been acted upon in other countries with eminent success: in the United States of America, for instance, where it could not be denied that the people were as anxious for the propagation of the Gospel as in any other nation of the world. It had also been tried in Silesia, in Wirtemburg, in Bavaria, and in some parts of Hesse, where, after some of the bickerings occasioned by its establishment had subsided, the two sects, who were before in a state of open hostility with each other, had become united in harmony, and exhibited an example to the rest of Europe. In 1788, a report was presented to the Irish Parliament by the then Secretary of State, in which he stated his opinion that the children of Roman Catholics and Protestants should be admitted indiscriminately into schools, and that the clergy of each persuasion should instruct them separately in the principles of religion: he added, that he was informed that this system had been practised with great success at St. Andrew's, Dublin. At that period Protestant ascendancy was in a most flourishing state; thus the system now proposed was not a new one. It appeared from the returns, that the number of Catholic children attending the schools in Ireland, under this system, was greater than that of the Protestants. This could not be a matter of surprise when it was recollected that the poorer class of people in Ireland were almost exclusively Catholics. A better mode of cultivating the intellectual powers of the Irish people could not be devised than the plan adopted by Government, and he hoped the time would soon arrive when Ireland would not only be distinguished for literary superiority among the nations of Europe, but would bear a comparison with any country for moral excellence, without which intellectual powers were an evil. The Catholics asked no increase of their power or numbers—no ascendancy. He would not suffer ascendancy of any kind, any more than he would the infliction of a wrong, and, least of all, would he suffer Catholic ascendancy; but every man who contributed to the maintaining the State should receive some benefit from it. The money levied by the State was not exclusively Protestant or Catholic money, but the money of both communities. When the hon. member for the University of Oxford said, that a distinction ought to be made between Catholic and Protestant Establishments, the Catholics might, in return, say—"We will not consent that a shilling of the Irish revenue shall be devoted to Protestant purposes." But he did not concur in that sentiment; the public funds belonged to the nation at large, and ought to return to the nation at large; and whatever might be written in pamphlets—whatever might be said in speeches—Ireland would never be satisfied till all grants be made upon this general principle.

Mr. *Lefroy* denied, that the Kildare-street Society was ever at any time connected with any of the Societies which had been termed by more than one hon. Member as proselytising associations. The Kildare-street Society depended on the subscriptions of its own friends, and always refused to join any proselytising Society whatsoever The only foundation for the allegation was, that a certain number of schools in Ireland were aided by several Societies, of which in most cases the Kildare-street was one. T h hon. and learned Member warmly eulogized the character of the Earl of Roden, who had been accused of endeavouring to delude the people of Ireland as to the objects and principles of the system of education in a speech at a public meeting in the north of Ireland. Every word of the address adopted on that occasion he (Mr. Lefroy) was ready, in the most deliberate manner, to repeat and disseminate as his own individual opinion. With regard to the question before the House, it was one on which his (Mr. Lefroy's) opinion had been often expressed. The system lately introduced was not based on the Scriptures, and, as a conscientious upholder of the Protestant religion, he felt bound to give it his utmost opposition. It was impossible to deny that there could be no true system of Protestant instruction which did not take as its groundwork the whole and unmutilated Book of God. He would refer the House to the Bible itself upon this point; but he begged their attention to the declaration of seventeen members of the Protestant Bench in Ireland, and the body of the Presbyterian Synod of Ulster, to that effect. It was said, that the principles of the Kildare-street Society drove from their schools the Roman Catholics. But what was the fact? At the period when the new system of education in Ireland was introduced it was notorious that the schools were for the most part filled with Roman Catholic children. But, supposing even the existence of such an abuse had induced Government to alter the system, was it fair or just to transfer the abuse to the Protestant community? That was the fact. His Majesty's Government, while remedying an abuse, flew into the opposite extreme, and the new system was such that no Protestant could participate in its proceedings. The hon. and learned Member concluded, by repeating his determination to oppose the grant to the utmost.

Colonel *Sibthorp* opposed the grant.

The Committee divided:—Ayes 68; Noes 17—Majority 51.

List of the NOES.

Encombe, Lord
Gordon, J. E.
Goulburn, Rt. Hon. H.
Hodgson, J.
Holmes, W.
Inglis, Sir R. H.
Lefroy, Dr. Thos.
Lefroy, A.
Peel, W. Y.
Perceval, S.
Perceval, Colonel
Rose, Sir G.
Ross, H.
Ryder, Hon. G.
Sandon, Lord
Sibthorp, Colonel
Young, J.

TELLER.

Hayes, Sir E.

A sum of 11,161*l.* was voted to defray the grant to Maynooth College, upon an understanding that the vote should be discussed upon the bringing up of the Report.

House resumed.

HOUSE OF LORDS,

Tuesday, July 24, 1832.

MINUTES.] Papers ordered. On the Motion of Viscount GODERICH, Copies of Dispatches from the Earl of DARTMOUTH to Sir Basil Keith, Governor of Jamaica, dated 1774 and 1775.

Bills. Read a second time:—Appropriation of Duties (Newfoundland); Fisheries (Newfoundland).

Petitions presented. By Lord KENYON, from the Parish of Marylebone, Westminster, that the Operation of the Metropolitan Police Act may not extend to that Parish.

HOUSE OF COMMONS,

Tuesday, July 24, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. SADLER, an Account of the Number of Burials in Essex, Rutland, the Metropolis, and other Places, for the last eighteen years.

Bills. Read a first time:—Protesting Bills of Exchange. —Read a third time.—Labourers Employment; Arms and Gunpowder (Ireland).

Petitions presented. By Mr. MOSTYN, from several Factories in Holywell, against the Factories Regulation Bill.—By Mr. HUNT, from the Lambeth Political Union, for an Inquiry into the Case of Private Somerville.—By Mr. HUME, from the London Journeymen Bakers,—against Baking on Sundays; from several Parishes in Somersetshire; from Wisbeach and Broughton Astley, and from five Places in Ireland, for the Abolition of Tithes; from Kiltinnel, for the Abolition of the Grand Jury Laws (Ireland); from the Greenwich and Deptford Political Union, for a Repeal of the Newspaper Stamp and Paper Duties; from the Isle of Man, against the Additional Duty on Rum Imported into the Island; from St. Leonard's Shoreditch, against the Vagrants (Scotland and Ireland) Removal Bill; and from Warwick, for Vote by Ballot.—By Sir JOHN BOURKE, from two Places in Ireland, for the Abolition of Tithes and Church Cess.

NEW POLICE ACT.] Mr. *Hume* presented a Petition from the Vestrymen of the parish of St. Marylebone, complaining, that before the establishment of the New Police, they only paid 9,000*l.* for the watching of the parish, and that they now paid 24,000*l.*, only one-half of which they discovered was really paid for the New Police.

Mr. *Lamb* said, that the expense was certainly greater than formerly, but so was the efficiency of the police. Every care would be taken to examine into the expenditure, and no doubt, before the Act was renewed, the whole matter would be placed on a right footing.

Sir *John Brydges* praised the efficiency of the new police, and was not surprised that its valuable services cost more than the useless services of the old watchmen. At the same time, if the expense could be diminished, it ought to be.

Mr. *Hume* said, that in the city of London the establishment of the new police had occasioned a saving of 11,000*l.* He did not see why the opposite result should take place on the western side of Temple Bar.

Petition to be printed.

PROFESSORS IN THE EDINBURGH UNIVERSITY.] Mr. *Hume* presented a Petition from certain Medical Professors in Edinburgh, complaining of the appointments made by the Government in that University. They set forth that they had many hundred pupils, and yet they were excluded from the chairs of the University. He knew that several of the persons who signed this petition were most respectable people, and would not come before the House unless there was good ground for complaint.

Mr. *Lamb* said, that if this petition were received without observation, there would never be any appointment of some out of a number of candidates, that would not give rise to petitions of a similar nature from the disappointed candidates. He meant to speak without any disrespect towards these petitioners, but he believed they were of that class of persons whom he had mentioned. Without assuming great merit for having done so, he could assure the House, that the only object of the Government in the selection of the candidates, had been to select those who were best fitted for the task they undertook. He had, since receiving notice of this petition, met, by accident, the Lord Provost himself, and had spoken on the subject of this petition to that gentleman, who had given him authority to say, that the late appointments were such as to give full satisfaction on account of the merits of the professors appointed.

The *Lord Advocate* knew that the petitioners were most respectable persons, but he would take on himself to say, positively, that in the appointments about which he, on account of his connexion with Edinburgh, had been consulted, there had been an unmixed desire on the part of the Government to give the appointment to the person best qualified.

Petition to be printed.

DUBLIN COAL METERS.] On the Motion of Mr. Spring Rice, the House resolved itself into a Committee on the Irish Coal Trade Acts.

Mr. *Spring Rice* said, that an inquiry had been made into the claims of the meters to compensation for the loss of their trade by this Bill, and the result was, that they had made good their claims. Government thought, that as it was a local grievance that was removed by the Bill, the fund for compensation ought to be obtained by a local tax. He, therefore, proposed a resolution, that it was expedient to levy a Custom-house duty of 4*d.* per ton upon all coals imported into Dublin, not being Irish coals, in order to raise a fund for compensating meters of that port.

Resolution agreed to.

RECORDER OF DUBLIN.] Mr. *Hume* rose, pursuant to notice, to move for leave to bring in a Bill to disqualify the Recorder of Dublin from sitting as a Member in any future Parliament. He considered the Motion of great importance, more from principle than for the sake of disqualifying any particular individual. Last year he moved for returns, in order to ascertain the importance of the office of the Recorder of Dublin; and from those returns it was difficult for him to understand how that officer could do his duty as a Judge and as a Member of Parliament at the same time. He conceived that no Judge ought to have a seat in that House, because he thought it would be most inconvenient that a man should act the part of a political partizan in that House one day, and have to sit perhaps on the following day as a Judge in a Criminal Court. By the 48th of George 3rd the Recorder of Dublin received 923*l.* 1*s.* 6*d.* a year: and by the 5th of George 4th, an additional 533*l.* 16*s.* 11*d.*, making an annual income of 1,456*l.* By a paper which he (Mr. Hume) held in his hand, it appeared that the present Recorder's predecessor sat in Court thirty-nine weeks out of the fifty-two in 1825; forty-two weeks in 1826; and forty-one weeks in 1827. It appeared strange to him to find that the present Recorder sat forty-five weeks in 1829, and forty-six in 1830. He (Mr. Hume) certainly had not missed the Recorder from the House so long as those periods; and, if he were asked, he should say it was impossible that the Recorder could have been there so much. It further appeared, that in 1828, the committals for felony and misdemeanour in that Court, amounted to 1,726; in 1830, to 1,816; and in 1831, to 1,929. Looking at the business in that Court, he thought it impossible that its Judge could properly discharge his duties there, and also those of a Member of that House. The hon. Member concluded by moving for leave to bring in the Bill.

Colonel Evans seconded the Motion.

Mr. *Wallace* was certain that no man who sat in that House could be more highly satisfied than he was with respect to the character of the hon. Member who at present filled the office of Recorder of Dublin. He esteemed him both as a private individual, and in his public capacity; but when a public officer had important judicial duties to perform in a distant city, it was scarcely to be expected, indeed it was scarcely physically possible, that he should also be able to pay due attention to parliamentary business. He thought that all persons holding judicial situations of a nature similar to that of the Recorder of Dublin, ought to be excluded from seats in that House.

Lord *Althorp* begged to remind the House, that the present Motion was only for leave to bring in a Bill, and consequently if the Bill were brought in, there would be other opportunities to discuss its principle, as well as the details. The question, he thought, was one of some difficulty. It involved the great principle, whether Criminal Judges, of a certain class, ought or ought not to be allowed to sit in Parliament. The proposed Bill, however, did not apply to Criminal Judges of all descriptions, but only to one Judge, the Recorder of Dublin, and only to one person now holding that office. In his opinion, the question ought to be determined upon public grounds, and it ought to proceed upon the principle, whether persons holding the office of Recorder, or any other judicial office, which required a constant attendance to perform the duties, should be Members of Parliament. From all he had learnt of the case in this particular instance, he should say, that the person holding the office of the Recorder of Dublin, had duties to perform which were incompatible with his attention to the duties of that House. He felt no inclination to object to the Motion, and would allow the Bill to be brought in, leaving it to the consideration of the House whether they ought not to examine if the present office was one to which the principle of exclusion ought to be applied. He was of opinion that the principle had no reference to places which but seldom required the attendance of persons who held them, and that it ought to refer only to those judicial appointments which exacted a constant attendance.

Colonel *Perceval* appealed to all who heard him, whether it was not well known that the learned Recorder of Dublin was assiduous in the performance both of his duties as a Judge, and as a Member of Parliament? If the constituency of Dublin chose to elect the Recorder of that City as their Representative, would it not be to interfere with their privileges to refuse a seat to the person whom they might elect? The principle advocated by the hon. member for Middlesex would equally apply to the officers of the navy and military service.

Mr. *Jephson* thought the electors of every place were bound to elect persons who could sit in Parliament without failing in the performance of other duties.

Sir *Robert Peel* was of opinion that, if the Recorder of Dublin were to be disqualified from sitting in that House, on account of the duties of his judicial situation, the Bill ought to proceed upon general principles, and apply to all other offices of a similar nature. Let it be supposed that the Parliament were to meet in Dublin, would it be right then to exclude the Recorder of that city, on the ground of his not being able to attend to the two separate functions? In bringing such a Bill into the House, he thought the hon. member for Middlesex ought to proceed upon broader principles, and upon grounds more constitutional. It would be a reflection and a disgrace upon the House if they proceeded to pass a Bill which would exclude one Recorder from a seat in Parliament, whilst all other Recorders were allowed to be elected and to take their seats. It would be better for Parliament not to interfere with any constituency as to whom they chose to elect upon the grounds of the ability of the person to attend to his parliamentary duties. If the Bill were brought in, it ought at least to be shown why one Recorder was so specially selected from all the rest.

Mr. *Sheil* observed, that the Lord Chancellor of Ireland had brought in a Bill to exclude the Masters in Chancery from sitting in Parliament, and that Bill had had the assent and approbation of his Majesty's late Ministers. The Master of the Rolls had likewise been excluded upon the ground that he could not possibly attend to his duties in the Rolls' Court in Dublin, and likewise to his duties as a Member of Parliament in London. On the same principle were the Irish Commissioners of Insolvency and the Assistant Barristers excluded from Parliament. The Recorder of Dublin was obliged to perform his duties in person, whereas many other Recorders in Ireland were allowed to appoint deputies.

Sir *Robert Peel* observed, across the Table, that the Recorder and Common Sergeant of London were not excluded from seats in that House.

Mr. *Lefroy* said, that if the Recorder of Dublin were to be excluded from holding a seat in the House of Commons, he ought at least to be excluded by the same Bill which related to Judges in general, and to the large classes of persons executing judicial functions. If a bill were to be brought in to exclude from Parliament all Recorders and Common Sergeants in Ireland, it ought at least to proceed upon general principles. He had known an instance where a Recorder of Dublin had performed his duty by deputy, but the present Recorder of that city had shown by far more zeal in the execution of his duties. If they were to legislate at all upon the subject, they ought to legislate at once for all Recorders of Ireland, and to include likewise all similar officers in England and in Scotland. He felt convinced that the present Bill aimed less at the office of Recorder of the city of Dublin than at the learned individual who filled the office, with so much honour to himself and so much advantage to the public. The question ought not to have been brought forward at all in the absence of the Recorder of Dublin, who could have satisfied the House, had he been in his seat, that the duties of the two functions were perfectly compatible.

Mr. *Crampton* felt himself bound to say, that the present Recorder of Dublin discharged all his duties in a manner so satisfactory that it was perfectly unnecessary to bring in a Bill to disqualify him to sit in Parliament. No man could discharge his public duties with greater benefit to the public than that hon. and learned Gentleman. Opposed as he was to that hon. and learned Gentleman in political affairs, he was still bound in justice to make this avowal in his favour. The Recorder of Dublin was a gentleman of very uncommon activity and powers of mind, and he was well qualified to do what very few other Gentlemen could perform, and therefore the manner in which he executed his different functions could scarcely be used as a general argument. He thought, however, if the Recorders of Dublin were to be excluded from seats in the legislature, the same principle of exclusion ought to extend to the Recorders of London and other places. For his part he did not see the advantage of having persons connected with the judicial functions excluded from the Legislature, and he should be sorry if there were another Parliament to which the reproach of *indoctum* should be applied. The proper course for the hon. member for Middlesex to pursue was, to bring in a bill to amend the Act by which the Master of the Rolls and other judicial functionaries of Ireland were excluded from holding seats in Parliament.

Sir *Edward Sugden* thought, that the Houses of Parliament stood very much in need of the assistance of persons acquainted with the laws, and with the manner in which they operated in the administration of justice. It often occurred that for want of such aid in the business of that House, the Bills which it passed were afterwards stopped or very essentially modified in another place. Now that the Reform Bill had passed, and it could not be pretended that Members could be forced upon their constituents, the people might surely be allowed to judge for themselves as to the competency of their Representatives to pay attention to their duties in Parliament. He did not wish to see too many judicial persons with seats in the Legislature, but certainly he could not vote for the exclusion of any whom the present laws rendered eligible to such honours.

Mr. *Cutlar Fergusson* would oppose the Motion because it was partial, and was aimed at the Recorder of Dublin, than whom there was not a more estimable Member in that House, or one more diligent in the performance of his parliamentary duties.

Mr. *Cresset Pelham* said, this was an important measure, inasmuch as it went to exclude persons holding judicial offices from sitting in that House.

Mr. *Warburton* said, that upon these occasions two readings were always given to propositions made to the House. If a motion embraced only a partial measure it was objected to on the score of its being too limited; on the other hand, if it was put into a more comprehensive form, then an objection was taken that the proposition was too sweeping in its nature. Therefore his hon. friend must be content to submit to one or other of these charges. There were, he (Mr. Warburton) thought, two grounds upon which persons holding the high judicial situation of Recorder of Dublin ought to be excluded from a seat in that House. The first ground was, that, from what had appeared before the House, that learned person tried nearly 2,000 criminal causes in a year; and, in the next place, the nature of his situation required his attendance to sit in Dublin every week. It appeared, by returns which had been laid before the House, that the Recorder of Dublin had sat forty-six weeks out of the fifty-two. But it might be said, a Deputy might be employed to get through the business. If so, then why pay a principal a large salary? It was said, too, that if this Bill were introduced they must exclude all Recorders. Perhaps the Recorder of London should be excluded, though his case was widely different from that of the Recorder of Dublin, because the former Judge might be in the House every evening.

Mr. *Leader* thought the Motion ought not to be confined to the Recorder of Dublin.

Mr. *Hume*, in reply, said, he was surprised at what had fallen from the right hon. Baronet, the member for Tamworth, though he had not heard any arguments which he considered sufficiently cogent to remove the objections which he had stated to the Recorder of Dublin having a seat in that House. If, however, the House allowed the Bill to be brought in, he would, at the proper stage of the measure, move an instruction to the Committee to extend its operation to all Recorders, and to meet the wishes of the House generally. He certainly was anxious to have the principle admitted.

Sir *Charles Forbes* begged to ask the hon. member for Middlesex, what was to become of the Lord Advocate for Scotland, a high officer, who had powers given him far beyond those of a Judge? Why should not the Lord Advocate be excluded upon the hon. Member's principle? Surely what was sauce for the goose was sauce for the gander.

The House divided: Ayes 33; Noes 16—Majority 17.

List of the NOES.

Brydges, Sir J.	Pelham, C.
Fergusson, Sir R.	Ridley, Sir M.
Fergusson, C.	Robinson, G. R.
Forbes, Sir C.	Ryder, Hon. G. D.
Gordon, J. E.	Scott, Sir E.
Goulburn, Rt. Hon. H.	Paired off,
Hodgson, J.	Perceval Colonel
Jephson, C. D. O.	Tellers,
Inglis, Sir R.	Lefroy, A.
Kearsley, J. H.	Sugden, Sir E.
Peel, Sir R.	

UNSTAMPED PUBLICATIONS.] Mr. *Hume* said that, in December last, he moved for a return stating the number of persons who had been imprisoned for selling unstamped publications. From the return made to that order of the House, it appeared that no less than seventy-seven persons had been imprisoned for that offence, which was an offence under one of the well-known Six Acts. In looking at the sentences inflicted on many of those individuals, one could not but be struck with the great inequality of the punishments for the same offences. He spoke of the sentences passed by the Magistrates at the Metropolitan police-offices. In one office, the offence was visited with an imprisonment of seven days; in another, fourteen days; in another, a month; in another, two months; and so on, in all gradations, from seven days to three months. Now, such a law could not, he contended, be a just law, or could not be properly executed. The law was originally directed to put down Cobbett's publication, but it had now the effect of preventing the poor man, who might desire to purchase them, from getting many useful little publications, the price of which was so low as to place them within his reach, while, at the same time, it gave a monopoly to many of the stamped publications. He contended that the law itself was a bad one; that it was an extremely unpopular one, and that it would be found almost impossible in this country to enforce it by the system now practised, of imprisoning the poor men who sold the unstamped publications, which many of them were driven to, having no other means of supporting their families. Many hon. Members were, perhaps, not aware of the great number of those publications which were published. Some, he would admit, were of a very objectionable character; but there were many of a very useful and interesting kind, containing much valuable information. The hon. Member here read a list of eighteen of them, copies of which he held in his hand, and contended that it was very hard to imprison poor people for selling publications which contained much useful and valuable information. Such was the general feeling as to the impolicy and partial operation of this law, that a society was already formed for the protection of those who sold such publications. Some of the poor men who were sentenced to imprisonment for selling those publications were treated like felons. One poor man, for selling one of the penny publications was taken through the streets from the police-office, chained to two others, like a felon. Surely this was a state of the law which ought not to be allowed to exist any longer; and he did trust, that even the present Session would not be allowed to pass over, without having something done to amend it. Was it just that sixty or seventy persons, incarcerated for offences under this Act, should be fed on bread and water—a diet given to murderers and other convicted felons? He repeated, that it was impossible to execute the law without gross injustice, and that, even as it was now administered, there was great partiality and injustice. Even, if no act could be passed to remedy the evil in this Session, it was in the power of Ministers to mitigate it in some degree, by giving directions to the Commissioners of Stamps on this subject. The hon. Member concluded by moving an address for "a return of the number of persons who have been committed by the Magistrates for selling unstamped publications, from the 12th of December, 1831, to the present time, stating the names of the persons committed, the Magistrates by whom committed, and the periods for which committed:" also, "the number now actually in prison for each offence; distinguishing those committed by the Magistrates of the metropolis, and those in other parts of the country."

Lord *Althorp* did not rise to object to the Motion. His hon. friend complained of partiality in the administration of the law as to those publications, but it was well known, that some of those cheap publications contained matters which required a stamp, while others did not; and he would ask his hon. friend, what would be the situation of those papers which paid duty, if a free competition were to be allowed against them by papers which paid no duty to the Government? He admitted, that many of the small publications were of a very useful kind; but his hon. friend had admitted that others had quite an opposite tendency, and were mischievous in their character. The best way to destroy the influence of the latter, would be to encourage cheap publications of a useful kind, and he admitted, that the best mode of effecting this would be to reduce the stamp duty on newspapers. To this, in principle, he had no objection; but as he was not prepared with any measure on that subject in the present Session, the only thing that could be done till that was effected, would be, to protect those papers which did pay stamp duty to Government.

Mr. *Hunt* said, that it would be impossible to put down publications by which so many poor persons obtained bread for themselves and their families. Publications, in different parts of the country, were now supported, not by men only, but by women also, who were associated in different parts of the country for that purpose. He was sure, that the inequality of punishment under this law was both absurd and unjust, and proved the absurdity and injustice of the law itself. It was, he added, useless to imprison men for offences under this Act, who were glad to run the risk of imprisonment rather than be without the means of support, and who, in their imprisonment, considered themselves, and were looked upon by others, as martyrs in the public cause.

Lord *Althorp* said, it was a mistake that persons imprisoned under this Act were fed on bread and water. No persons imprisoned were placed on that diet, except such as were condemned for felonies.

Sir *Robert Inglis* protested against the principle of making that House a sort of Court of Appeal from the decisions of the legally constituted tribunals of the country. No punishment was inflicted before those tribunals, which was not in due course of law, and it was a most erroneous principle to bring a kind of appeal from those decisions before that House, which was not the proper place, even if any ground of appeal did lie, from the inferior tribunals of the country.

Mr. *Stanley* said, that his hon. friend who last addressed the House was mistaken in the object of the Motion. It did not go upon a denial of the legality of the sentences, but called for returns, to see how the law worked, and what was its practical effect, in the same way as the returns moved for some time ago, as to the operation of the Game laws, in order to see how far they had tended to correct the evil which they were intended to remedy.

Mr. *Cutlar Fergusson* said, it might be a matter worthy of consideration to see how far it was possible to carry the Stamp-law into execution; and if it could not be executed, he thought it would be only justice to the stamped publications to repeal the stamp duty on them altogether.

Mr. *Cressett Pelham* deprecated any measure which would increase the number of cheap publications.

Mr. *Hume*, as a proof of the partiality exercised with respect to unstamped publications, said, that the *Penny Magazine*, published by the Society for the Diffusion of Useful Knowledge had not been prosecuted, though it contained the same kind of matter as some others which had been made the subject of prosecution.

Lord *Althorp* suggested to his hon. friend, the member for Middlesex, to omit that part of his Motion which called for the names of the Magistrates by whom the decisions were made. The publication of them could not forward his hon. friend's object.

Mr. *Hume* did not see what objection there could be to their publication, as they were given in the last returns, to which no opposition had then been made.

Sir *Robert Inglis* objected to the publication of the names.

Mr. *Ruthven* contended, that they ought to be given. The publication of the names of the Magistrates in the police reports had, as any one who read the daily papers must have observed, a most salutary effect, by the control which, through the public opinion, it exercised over them.

Mr. *Hume* would consent to omit the names, provided the offices at which the decisions were given were mentioned in the returns.

Lord *Althorp* said, that that could apply only in London. In the country it could not be given.

Motion, as amended, agreed to.

Flogging in the Army.] Mr. *Hunt* rose to bring forward a Motion of which he had given notice respecting corporal punishments in the army. He had submitted his Motion to the Secretary at War (Sir John Cam Hobhouse), who had done him the kindness to state, that he would agree to a return showing the number of persons on whom corporal punishment was inflicted during the last seven years, but that he objected to the number of the regiment, or the names of the commanding-officers, being included in the return. His (Mr. Hunt's) object in moving for the names of the commanding-officers was, not so much to show up those who had inflicted the punishment of flogging in a great many instances, as to do honour to those officers who had maintained the discipline of the service without resorting to corporal punishment. It appeared to him to be a great cruelty and injustice to those officers who did not resort to flogging, that their regiments should not be distinguished from others in which corporal punishment was constantly inflicted. This was his view of the subject; but, at the same time, if the right hon. Secretary at War persisted in his objection, he (Mr. Hunt) would not be pertinacious. He did not see, that there was any difference between calling for a return of the number of persons flogged in different regiments, and a return of the number of persons flogged in different gaols. It appeared, from a return before the House, to the credit of the city of London, that no flogging was allowed in the gaols of that city; but, crossing over the river, it was found, that the punishment was still inflicted in the gaols of the county of Surrey. He should move (which would give the right hon. Secretary an opportunity to amend his Motion as the right hon. Secretary might think fit), that "an annual return be made of every punishment inflicted by flogging in the army for the last seven years, specifying the name and age of each person flogged, the number of lashes awarded by the Court, and the number of lashes actually inflicted; stating who was the Secretary at War, and who was Commander-in-chief in each year; also the commanding-officer of each regiment, and who was in command at the time of each Court-martial being held."

Sir *John Hobhouse* had no objection to grant any returns on this subject which could be reasonably desired, although he believed this was the first time when any similar returns were called for or granted. He had no objection whatever to returns from which it could be ascertained whether, as had been lately stated, corporal punishment had been greatly diminished; and, with a view to acertaining that fact, he thought it would have been better if the hon. Member had taken a longer period than seven years. As the hon. Member had chosen that period, however, he (Sir John Hobhouse) would adopt it in the Amendment with which he should conclude. He could not agree to the number of the regiment being included in the returns, because it would form no ground for any just conclusion, unless the House also knew the service in which each particular regiment was employed, the place in which it was stationed, and the description of population amongst which it was quartered. It would be a gross injustice to a particular regiment to have the number of cases of flogging published, unless the peculiar circumstances under which the regiment was placed were likewise detailed. The same objection was applicable, only on much stronger grounds, to a return of the names of commanding-officers. The effect would be, to raise a degree of public odium against certain officers which might be quite unfounded, unless the proceedings of the Courts-martial in every case were likewise laid on the Table. As to the names of the persons who had held the offices of Commander-in-chief and Secretary at War, during the last seven years, they were known to every one, and it was, therefore, unnecessary to include them in the return. As the object of the Motion was to ascertain whether the punishment of flogging had become less frequent, he proposed to add the amount of the forces during the several years; in order to form a comparative estimate as to the number punished, it was necessary to know the number who were liable to punishment. He would at once move, as an amendment, on the Motion of the hon. Gentleman, for those returns he was willing to lay before the House. The right hon. Baronet concluded by moving "for returns of the military establishment from the year 1825 to the year 1831 inclusive; of the numbers tried and sentenced by Courts-martial, during the same period, to corporal punishment; and of those tried and sentenced by Courts-martial, in the like period, to other punishments." He thought these returns would afford all the information that could reasonably be required.

Sir *John Brydges* supported the Amendment. He was averse from corporal punishment. He thought it disgraceful, and he wished to see it abolished. At the same time, the returns moved for by the hon. member for Preston would cast a slur upon officers, and would be very mischievous.

Mr. *Hunt* begged to withdraw his Motion, as that of the right hon. the Secretary at War would answer his purpose.

Sir *George Murray* said, he was an advocate for abolishing every species of punishment, both in civil life and in the army, which was unnecessary. He wished, however, that those Gentlemen who advocated the abolition of corporal punishment in the army would suggest some other punishment of equal utility in preserving the discipline of the army. He had yet heard of no efficient substitute; and he spoke from experience. When he was Commander-in-chief in Ireland, an officer of high rank made an attempt to carry on the discipline of a regiment he commanded without flogging. That regiment was moved to Dublin, that it might be under his eye, and he encouraged the attempt. The officer commanding the regiment was one of great experience, and used all his efforts to succeed; but the consequence of the attempt was, that the discipline of the regiment was so deteriorated, that it became the worst disciplined regiment in Dublin. The officer then wrote a letter, admitting that he could not keep up the discipline of his men without flogging. He recommenced it, and in consequence of the relaxation, it was necessary to inflict more severe flogging in that regiment than in any other. He had the letter in his own possession, and could prove all he had said. After this experiment, however, he thought it very doubtful whether it would be advisable to abolish corporal punishment in the army. He knew that the most anxious desire was manifested by his Royal Highness, the late Duke of York, who was so long at the head of the army, to get rid of corporal punishment; and he knew that the consequence was, that many vexatious minor punishments were substituted for it, without much success. The punishment of foreign armies, which had been referred to, particularly confining men in fortresses for ten or fifteen years, dragging about a bullet, and similar punishments, were totally different from those of the British army, and were totally inapplicable to our service. Such punishments might not shock the public so much as corporal punishment; but nothing was so much to be deprecated as punishments inflicted out of the public view. They were apt to degenerate into torture, which was much to be avoided. The right hon. Baronet eulogised the discipline and conduct of the British army, and declared that he knew not how that discipline could be preserved, if corporal punishment were to be wholly abolished. With respect to the returns, he was sorry that they were to be laid before the House; for he was afraid, if that House became a Court of Revision for military offences, it would infringe on the great principle of the Constitution, by which the army was placed under the exclusive control of the Crown. He regretted that the right hon. Secretary had agreed to lay the returns on the Table.

Mr. *Hume* differed from the right hon. Gentleman; for that House was already, and ought to be, a Court of Review. The King, it was true, had the command of the army; but he was to command it according to orders and rules submitted from time to time to that House. He was glad that the returns were to be made. He was glad, also, to hear that the British army was the bravest, and most loyal, and most gallant in Europe. But was that a reason why the soldiers were to be flogged like brutes? He was sorry to hear the opinion of the gallant officer, that the discipline of the army could not be maintained, without flogging; but the reason, he believed, was, that the men were degraded by the very system of flogging. It was institutions which made men what they were, and our system of providing men for the army, and of treating them after they had become soldiers, degraded them and made them insensible to milder methods of restraint. He thanked his right hon. friend (the Secretary at War) for his returns, and hoped that it was the beginning of much improvement.

Lord *Ingestre* thought that it would be prejudicial to the navy as well as army to abolish corporal punishment. He had often heard complaints made by seamen themselves that flogging was not applied to the correction of irregularities, without which it was not possible to keep up the efficiency and discipline of the ship. A dozen or two applied at the proper time often checked irregularities, which, if allowed to go on led to much more severe punishments. If corporal punishments were abolished, there would be an end of the efficiency of the British navy.

Returns ordered according to the Amendment of Sir John Hobhouse.

TITHES COMPOSITION (IRELAND) BILL.] Mr. Stanley moved the Order of the Day for going into Committee on the composition of Tithes (Ireland) Bill.

Mr. *Ruthven* said, he could not consent to the further progress of the Bill, without expressing his entire dissent from it, and protesting against the enactment of new laws for the enforcing the collection of tithes in Ireland by oppressive and unconstitutional means, which naturally tended to increase rather than to allay irritation and litigation in that country. The present moment had been ill selected for interference with these matters, which would have been better reserved for the consideration of a Reformed Parliament than for the hurry at the close of a Session immediately consequent upon passing the Reform Bill,—a great and valuable measure, which had received no small support from the hope of its being the prelude to another Reform, revision of the Church property and establishment in Ireland. Nor had this object been entirely overlooked in this country, for it had been stated in that House, without contradiction, that there had been a manifestation of great discontent in some parts of the north of England with English tithes, and an approach towards the sanction of this passive resistance. It had been well observed by his hon. friend, the member for Clare (Major Macnamara), on a former evening, that Ireland owed much to agitation—that the great benefits which it had received were principally produced by that cause. He fully concurred with him; nor was that opinion without a concurrence from those distinguished by the complimentary appellation of "the lower orders." The advice, the recommendation, of the Marquess of Anglesey had been recorded under his own hand; he had written in a letter, which the public had read, "agitate, agitate, agitate!" Well, then, they went on with agitation for Catholic Emancipation and Reform. Agitation was useful to the objects of great political parties; but then the Government said—"stop"—"take care"—"not a word about tithes." The people, then, must be kept down; new laws must be resorted to; oppressive persecutions must be followed up by cruel and tyrannical sentences and punishments, and which were to be sought for to terrify and drive the people from seeking upon their part the interference of the Legislature in relieving them from burdens become intolerable from their odious and unjust nature. Arrests had taken place; men of character, station, and respectability, were hunted after for the purpose of offering them up as examples of terror, while they more probably would be considered as victims to be immured in dungeons and immolated by the merciless hand of legal harpies upon the altar of their country. But do not be mistaken; Ireland would produce men, who would suffer with submission to the laws, and their cruel, partial application, while they were sustained by a sound conscience, and the sense of suffering in their country's cause. It was impossible effectually to carry into execution laws made in direct opposition to the feelings and interests of a whole people. There ever must be a concurrence of circumstances existing to prevent it; the simultaneous feeling would produce simultaneous opposition. They might make laws purporting to regulate different matters; but they would become a dead letter on the Statute book. An Act of Parliament could not effect the violation of all moral feeling extended over a country. He used the words "moral feeling" advisedly. There was a moral combination in strong operation in Ireland, from a decided concurrence of public opinion; but there had been no proof of any thing illegal or unlawful; no proof of a preconcerted combination among the people to resist the taxation of tithes; the denunciation of the petitioners for the abolition of tithes, as combinators, conspirators, anarchists, rebels, and all sorts of bad names, recoiled upon itself, and proved the emptiness, and high sounding insignificance of the misapplied terms. The present proposed tithe laws could only be sustained under the protection of, and in union with, the bayonet. Ireland might be converted into a garrison, as long as it suited the means and inclination of England to pay and employ her soldiers, but was Ireland worth having upon such terms? Armies, if not commanded, at least directed, by Government tithe-proctors; artillery, cavalry, infantry, all the *materiel* of an army might traverse

Ireland in the tithe campaign, and be the support of an Act of Parliament only existing by those military means; but no Act of Parliament even united with military power could manufacture bidders for the tithe-cow, or the tithe-pig. Where would they find those who would purchase, or who would eat the food offered even to their hungry stomachs, if procured from such a market? He regretted the whole course of this tithe crusade, which was still advancing with a frightful rapidity, every day announcing new arrests, and new invasions of the people's right to petition. There had been no instance of tumult or riot at any meeting held for petitioning against tithes; yet Magistrates were encouraged to array themselves against the people, and by a construction of law only to be supported by ignorant and partial juries, to use a force, and a vigour beyond the law, which would never be regarded as contributing to the respect in which the magisterial character ought to sustain itself. To resort either individually or generally, to such proceedings could only meet the struggling exigency of a moment, and was unworthy of the Government of a great country. Yet Ireland was doomed to be the theatre of trying, difficult events, and people might be found who would level themselves to every purpose, which would gratify their thirst for power, and the more depraved corrupt appetite for public plunder, the vile rewards of informers and persecutors of the people. He had opposed this Bill in every stage; he had expected little good from the construction of the Committee, upon the Report of which the Bill was founded. The construction of that Committee was a bad omen for Ireland; those who were connected with, and who formed a part of the great Catholic population were sedulously excluded from it. Was that not sufficient to make the public mind suspect the probable nature of the Report, and the consequent nature of the proceedings likely to be recommended by them? Ecclesiastical corporations to be erected! Why, centuries had passed away since the absurdity of such a proposition could be tolerated and swallowed, and yet the present Bill was to be a preface to such establishments. That was not the way to uphold the spiritual doctrines of any church, nor could the good qualities of any religion be taught and disseminated with effect, while temporal power, while the corruptions of overgrown wealth and riches, embarrass and hold out political and worldly temptation to its teachers; they were but the more prone and liable to the infirmities of our common nature. The whole evidence to sustain those novel Church-militant campaigns, had been selected, with very few distinguished exceptions, from very extraordinary and suspicious materials. Police-officers had cut a conspicuous figure; and they could not read that evidence over without sensations of disgust, he might add horror, in finding military execution and martial law suggested and recommended by a beneficed clergyman, as a proper instrument to resort to and apply in the collection of tithes. He would take the opportunity of observing, that he had some time since moved for a return of the number of curates in Ireland. That had not been made. Why, he knew not; but their situation, and very small compensation for the duties, he might say labours, performed by them, should not be forgotten, even in the anxious desire to protect the collection of the revenues of their more wealthy brethren. Such persons were not entirely without the good feelings and sympathy of those who were not satisfied with the immense accumulation of Church property in the hands of a few, perhaps he should say of many, with reference to a hierarchy composed of four Archbishops and eighteen Bishops, great landed proprietors, a species of sinecurists, and certainly admitting of a great diminution of their numbers, as well as a better regulation of their ecclesiastical revenues. The lands of the Church in Ireland were of immense value, and in themselves would afford means to be of important consequence in relieving many suffering individuals among the working classes. It was an idle dream to suppose the Catholic population of Ireland could ever be content under the present appropriation of the tithe and Church property; such an opinion would be opposed by the natural and frank acknowledgment of those who would speak the truth, and express the honest impressions of their mind. The contrast of numbers between those of the Established Church in Ireland, and those who did not belong to that communion, prohibited the belief of the people of Ireland ever giving it their contented support. It might be kept up, but only so long as "right" and "might" were synonymous terms; and what a prospect was that for the reflecting mind of a statesman in casting his glance over the present and future state of Ireland. He would not longer observe upon those unhappy circumstances, so deeply connected with the peace of Ireland, nor refer to the condition of the clergy in that country at present, further than to say—satisfy the country with a fair prospect of just and future equitable arrangements, and all would be calm and tranquil. The present incumbents would be sustained in their place in the relationship they ought to stand in with their parishioners; they would receive their accustomed dues, with the opportunity of reciprocal good feelings being interchanged and practised. Their present incomes would be received in peace; but as to their successors, whose imaginary claims to be supported by the people who never existed, depend upon it, to make provision for them by ecclesiastical corporations—by military force—by Acts of Parliament, all solely held up as long as the bayonet could be effectual, was not the way to make Ireland happy and prosperous, or to add to the stability and real strength of the British empire. In Ireland, the people had been deceived; the common understanding of a word imposed upon them. In the guile of their hearts, they never thought of a "parliamentary construction of words," or sentences. They were not acquainted with secret articles, and they read "extinction of tithes," in the common and ordinary sense of the English language. Tithes were to be sold. Who were to be the purchasers? There had frequently been a great deal said about forfeited lands in Ireland. Never was there more flagrant injustice committed, than the sale of Irish tithes and Church property would be, unless the amount of the sale was diverted to the public objects to which they ought to be applied. That would be not only a practical, but a real robbery of the poor, diverting from the proper objects, revenues originally collected for religious and charitable purposes. But those persons who might buy, ought to be considered in the situation of purchasers with notice of a bad title; then they would have no reason to complain of a future revision. He perceived the right hon. Secretary was determined to pursue the unfortunate course he had laid down. Should that be the case, and the right hon. Secretary would not allow himself to retrace his steps at a future day, he would hope that Ireland would not deliver itself into the hands of its enemies, by the people being urged on, either by their own irritated and exasperated feelings, or by the indiscreet excitement of ardent and misguided, though perhaps honest minds, to resist by violence or force, the constituted authorities, in the name of order and of law. He had, however, to fear the machinations of those who, from wicked and diabolical intentions, would provoke and goad, if possible, into insurrection and rebellion, the unhappy people, whose situation was almost desperate; but he trusted they would show examples of a patient bearing, and a submission on their part, which must and would prove successful. The Government as well as the people were placed in an awful situation, their responsibility was vast. They should recollect, that although the stream might be directed in its course, and fertilize the land, yet impediments and obstacles, injudiciously opposed to its quiet passage, might cause it to become a mighty torrent, overwhelming every barrier, feebly and rashly placed in its way. The hon. Member moved that the Order of the Day be read that day six months.

Sir *John Brydges* said, there was an Irish party in that House, who, arrogating to themselves an exclusive love for that country, would have it believed that they alone felt an interest in her welfare. The truth of this he denied, and declared that, though he could not boast of being an Irishman by birth, he felt he had an Irish heart within him, and that he would yield to no man in an anxious desire for the prosperity of that distracted country. He was ready to grant, that for years Ireland had been misruled; that she had not been fairly dealt with; that her interests had been made too subservient to English purposes alone, with too little consideration for individual benefits to Ireland; by which means her attachment to England had not been so secured as it would have been had a different line of conduct towards her been pursued. Upon the question immediately before the House, he should only observe, that the Committees of both Houses of Parliament had, he thought, laid sufficient matter before them in the reports, to enable any one to form an opinion whether it was desirable to pass the Bill or not, without the necessity of debating it at length, at this late period of the Session. For himself, he was of opinion it was a wise measure, and he approved generally of its provisions, though he should always lament the use of the term, "extinction of tithes," that had been used; it was improper, nay false, for tithes would still exist, though under a different denomination. But this unlucky term had again contributed to the agitation of the country, and would serve as a handle for mischief, to be employed by those who were desirous to see the Protestant Church demolished. It had been boldly asserted, by those who had this object in view, that tithes were virtually abolished, and that no power could compel the people to pay them any longer; at the same time they were advised not to violate the law. Had Great Britain the power to make laws or not, to bind Ireland? If she had, he would remind those persons that she possessed at the same time the power to enforce them. He remembered, he said, an expression in that House of a late gallant admiral, whose untimely fate every one who had the happiness to know him must lament, that it would be happy for England, if the ocean were to roll for twenty-four hours over the Emerald Isle. But as that could not be, and as she never could be permitted to be in the hands of the foreign enemies of England, he would recommend the Irish party in that House to endure the evils which they could not cure; and, instead of employing agitation, to bring about any object they might have in view, that they would patriotically use their best endeavours to uphold the united interests of both countries, so that Ireland, instead of being a curse to England, might prove, as she was well calculated to be, the brightest jewel in her Crown.

Mr. Ruthven withdrew his Amendment.

The Order of the Day read.

On the question that the Speaker leave the Chair,

Mr. *Sheil* said, he rose to move an instruction to the Committee to recite in the preamble of the Bill, that the tithe composition should be extended, with a view to the levying of the first-fruits according to their real value, and to such future appropriation to the purposes of religion, education, and charity, as, after making a due provision for the maintenance of the Church, should to Parliament seem proper. This Motion embraced two objects. The preamble already stated that the object of the Bill was, to effect commutation. Thus a view was stated in the Bill. The Government ought to stop there; they had themselves declared that they intended to relieve the people from the Church-rate, by levying the first fruits to their full extent—that it was their object to ascertain the full amount of tithes through Ireland, in order to tax the Church. The Committee had reported that the people ought to be relieved in this particular; wherefore, then, was it not set forth in the preamble? These declarations by the Minister were not sufficient; they should be embodied in the Bill, and the Legislature should give an earnest of their determination to rescue the Irish nation from an imposition, the most odious in the annals of ecclesiastical taxation—the building of the temples which were dedicated to a religion with which they had no concern. This proposition was not unreasonable; it was in accordance with the pledges given by the Ministry. The introduction of this undertaking in the Bill would mitigate its bad effects, and neutralise, to a certain extent, its bad and baneful qualities. As to the Bill itself, he should revert for a moment to its history. It was necessary to go back to the King's Speech. In that speech it was stated, that the just causes of the complaint against tithes should be removed, and internal discord should be prevented. In pursuance of this recommendation, a Committee was appointed. He should pass over all the unfortunate incidents connected with its function. They reported that measures of coercion should be adopted. The Chancellor of the Exchequer declared, that he should never assent to measures of coercion, unless they were to be followed by measures of relief. What were the measures of relief? They were these:—A receiver was to be sent on an estate; in default of payment, a new remedy was to be given to the Church, its powers were to be trebled, and its ascendancy to be raised with more secure and complete domination. He was not so captious or sophistical, or so much disposed to cavil with this Bill, as to say that the principle of it was to be entirely rejected; but he would state, that the Bill did not remove a large portion of the just causes of complaint, on the part of the people of Ireland. One of those just causes of complaint, admitted in the report, was the levying of the Church-rate in Ireland, and, accordingly, the Tithe Committee proposed to substitute such a system as would abolish the grievance.

This was one of the *bonuses* held forth by that Committee, as an inducement to the adoption of these three Bills, or, at all events, of this one Bill. The conclusion of the report distinctly stated, that it was the opinion of the clergymen themselves, that the Church-rate, which was of a peculiarly galling and exasperating character, should be abolished. He recollected that the right hon. Secretary for Ireland had it in contemplation, many months since, to introduce an Act with reference to the Church-rates. That Act, however, was not introduced, because it was conceived that it would not effect the purposes to which it was intended to be applied. The right hon. member for Waterford then made a motion upon the subject, to which the Government acceded, and it was understood, on all hands, that a measure was to be introduced for removing several of the evils connected with the Church-rates of Ireland. One of the arguments of the noble Lord, the member for Devonshire, to whom he must refer as one of the leading Members of this House, —one of the arguments of the noble Lord, the Paymaster of the Forces, was, that, without the Tithe Composition Act, there was no means of ascertaining the full amount of the tithe of Ireland. Did not Ministers state, in effect, that it was necessary to ascertain the full amount of tithes, with a view to ulterior measures? Was not that so? Then, he said, show by the preamble of the Bill that you have in view, not the mere composition of tithe, but the ascertaining of the full amount of the tithes of Ireland, with a view to ulterior measures of relief. The noble Lord, the Chancellor of the Exchequer, as he had already stated, said—"I will not consent to measures of coercion, unless they are accompanied by measures of relief." Where were the measures of relief? In proposing the insertion in the preamble of the Bill, he was taking that view of the case, in which the noble Lord must participate. If this Composition Act be a measure of relief, it extended only to one-third of Ireland, so that two-thirds of the relief to be gained by this Bill really belonged to the right hon. Gentleman, the late Chancellor of the Exchequer, for he was the person who originally introduced the Tithe Composition Act. But look at the complicated and involved system the Bill would introduce. It said that, in all leases hereafter, the tithes should be paid by the lessor;—very well; if all the land of Ireland were let on leases — plain straight forward leases—that might be reasonable; but a great part of the land of Ireland was let on under-leases, so that, under this Tithe Composition Act, the landlord would not be liable to the payment of tithe, but it would be the occupier of the soil who would be called upon to pay it. It really would be, in future, a misfortune to a man to have a lease. The Bill provided, that if a man has only a three years' interest he shall not pay tithes; but if there be a lease in existence under which the occupier of the soil held for a longer term than three years, he would be subject to the payment of tithes. Suppose that he had an estate, let in different portions—Black Acre, let on lease for twenty-one years, Blue Acre, which would be out of lease in a year, and White Acre, which would be out of lease in five years: why, there would be three different classes with respect to the payment of tithes in these three portions of his estate. In the case of the lease for twenty-one years, the tithes would be paid by the tenant, who would be subject to every species of inconvenience inflicted by the tithe proctor, and whose goods might be distrained. Blue Acre would fall in in a year; during that period he was not liable, but his tenant. White Acre would be out of lease in five years, and then the Act would first come into operation. Now, this was not an overstrained case; it was one which was very likely to occur. They could not hope, therefore, to produce internal peace in Ireland, until they introduced an equal system, making the charge in every case either upon the landlords, or upon the occupiers of the soil. According to the present system, if Patrick Murphy held one part of an estate, he would be subject to the payment of tithes, while Thomas Murphy, who held another portion of the same estate, would pay no tithe at all. It was almost an offence to common reason to designate such a proceeding as the means of confirming concord in Ireland, and removing "the just complaints of the people." What were the complaints of the people? The enormous opulence of an establishment belonging to a minority, designated as miserable by the hon. member for Norwich, in a speech which a few nights ago astonished the House by the evidences of miraculous conversion which it displayed. Was that complaint just? He (Mr. Sheil) thought it was, and was convinced, that internal concord never would be obtained until the abuses of the establishment were corrected. He, therefore, called on Government to embody in the preamble a declaration that this evil should be removed. He was the more induced to do so by the right hon. Secretary for Ireland having declared that he never would consent to a different appropriation of Church property. It was idle for the Secretary for Ireland to say, that he only spoke as an individual. He could not be said to have a right to speak as an individual. The Minister could not supersede Mr. Stanley, nor Mr. Stanley supersede the Minister, according to their reciprocal convenience; his identity could not be split; he was one and indivisible, and his announcements on the Irish Church must be regarded as official, and his principles must be held to afford the rule by which Ireland was to be governed. As, therefore, he set up for the champion of the Establishment, as its "preux chevalier"—as he was the Bayard of the Protestant religion, it became incumbent on those who differed from him, to avail themselves of every opportunity to assail his doctrines, and to resist his legislation. Were there a hope that he would change, that he would abandon his erroneous opinions, and that events could make a convert of him, these were then reasons not to press him, and to abide, perhaps, until, next Session; but when not the least chance existed that he would recede from his sinister fidelity to the Irish Establishment, how idle the suggestion that we should tarry and wait the Ministerial convenience. From one Minister he (Mr. Shiel) should pass to another. The noble Paymaster of the Forces had declared, a few days ago, that he entirely dissented from the Irish Secretary. Many of the Cabinet entertained the same difference of opinion. The Lord Chancellor and ten members of the Government, or gentlemen attached to it, had voted with the member for Middlesex when he moved an inquiry, with a view to its reduction, into the wealth of the Irish Church. But amidst these differences of sentiment, was Ireland to be sacrificed, and, lest there should be a quarrel in the Cabinet, were all its members to immolate the country and their own dignity to the pertinacious prejudices of the Irish Secretary? He (Mr. Sheil) called on the Paymaster of the forces to come forward and vindicate himself, and not to put Ireland off with an intimation that we should wait for a new Parliament. If they were to wait for a new Parliament, wherefore not leave this very Bill to it? and if they were to legislate on this Bill, why not prefix to it a parliamentary declaration, that the crying grievances of Ireland were to be redressed? On the abstract question of Church property, he should say very little; it was not necessary to resort to abstract speculations—to the distinctions between corporate and personal rights, and to the positions laid down by men of the first eminence, that Church property belonged to the State. He should not go back to the history of this country, and show the numerous instances in which the State had not only modified, but appropriated the ecclesiastical revenues. He should not appeal to the many proofs afforded by the examples of continental nations, that personal property would not be endangered by an interference with the estates of the Church. He would content himself with referring to an Act of Parliament in his hand, the Bill for the Establishment of an University at Durham, out of the estates of the Dean and Chapter. What was this but an interference with Church property, and a diversion of it from the purposes to which it was now devoted? Would any man contend, that the institution of professorships of mathematics, and of chymistry, and natural philosophy, and of Latin and Greek, and of the Oriental languages, was an appropriation to the purposes of the established religion. It was idle to say the Dean and Chapter consented. They could not consent. They had but life interests. They had no right, according to churchmen to rob their successors. They could make leases only for twenty-one years. The estates vested in them were the property of the great Corporation of the Church of England. Yet here was an Act of Parliament authorising the sale of their estates, to build colleges, and establish profane and purely temporal institutions. What said pious Protestants touching this most important subject? He had before him Lord Henley's pamphlet, complaining of this proceeding as a violation of the rights of the Church. This was a triumphant precedent — a case distinctly in point, which was far more valuable than any ratiocination—a decision of the Legislature, in which all parties concurred, which must shut the mouth of any Minister, and strike him dumb, who maintained the sacred intangibility of corporate property; and mark the conclusion. If in a country where the religion of the State was the religion of the people—where the wealth of the clergy was not in such gross disproportion with the duties—a part of the opulence of the Church had been cut off—was it to be asserted that where there were 8,000,000 of one religion, and 700,000 of another, not a sacrilegious finger was to be laid on an institution which might be regarded as the greatest moral monster that was ever yet set up in the name of the Christian religion? Yes, he would repeat the phrase. He was no enemy of the Establishment, if its true purposes and intent were pursued, and its abuses were corrected; and if it were reduced to more simple and apostolic dimensions; but he should not hesitate to denounce it, in its present condition, as a mass of insufferable anomalies—a heap of disproportions—a mere monster—out of all shape and symmetry, and adaptation, either to the state of the country or the true interests of religion. It was of its opulence that the people of Ireland complained; and until it was cut down, and that with an unsparing hand, there could be no hope of tranquillity in Ireland. What was the state of the country? If it was formidable when the King's Speech was pronounced, it had now become terrific; and to what expedient did Government resort? They gorged their gaols with the leaders of public assemblies. But would these proceedings allay or mitigate the feeling which prevaded those assemblies, and by which millions of men were swayed, and taught to feel with the unity of a single man? If the processions at Birmingham had been dispersed, and its banners levelled to the earth, and its leaders flung into gaol, would the call for Reform have been suppressed? As idle was it to hope that strong measures of the Executive would in Ireland supersede the necessity of wise and salutary legislation. They had refused the Reform; and in refusing the Reform, the Whigs had charged the Tories with their fatal delays. "Had you," they said, "availed yourselves of the opportunity given by East Retford—had you availed yourselves of Mr. Huskisson's admonition—how much evil might have been averted—what a cloud charged with peril might have passed away." And now the Irish Members addressed to them the very same admonition — called on them — entreated them—implored — supplicated them — to apply measures of prompt, of immediate Reform to the Irish Church. The abuses of rotten boroughs were not worse. The cry from Ireland for the Reform of that Church was as strong as that which appalled the Government into concession of Parliamentary Reform. It was said wait till the new Parliament—wait for eight months;" but would events wait? What would befal at the next election? What could those who were disposed to be the friends of Government tell the people? What would they be able to say in its defence when the Bill was brought forward, and they were asked whether an Irish Parliament would ever have passed a Bill like this? He implored them for God's sake to awake to a sense of their own and of Ireland's condition, and of the perils that environ, and threaten such calamity to the entire empire! There was yet time—the precious opportunity had not passed—it was irrevocable—and if permitted to go by, would be for ever lost. He must conclude by moving an instruction to the Committee "to recite in the preamble that the composition was to be extended with a view to levying the first fruits according to their real value, and the appropriation of tithes to such purposes of religion, education, and charity, as to Parliament, after making a due provision for the Established Church, should seem meet."

Mr. *Wallace* said, I have not troubled the House with any observations since the right hon. Secretary for Ireland has introduced those measures. I have abstained, because I have not been able, either from the speech with which the right hon. Gentleman introduced them, or that of my hon. and learned friend, the Solicitor General for Ireland, to understand distinctly what was the exact import of the intended Bills. One of the Bills is now before the House, and with the distinct view which I have of it, I feel I should not act as an honest man, either towards Ireland or the House, if I did not state my full and honest conviction, that it is not a measure such as the country had a right to expect; that it is not a measure of relief, such as had been promised by his Majesty's Ministers, and on the faith of which they obtained their coercive tithe measure, and their grant of 40,000*l.* for the clergy—that it is one which deceived the hopes and wishes of the country—in its main principle obviously unjust—it will be found impracticable in its working, and can be productive only of mischief and more extended discontent. The country has a right to expect a bill which would in sense and substance extinguish tithes, and in their stead establish another mode of supporting the Protestant clergy. The whole history of the tithe opposition proved this. The complaint of the country had been, not merely against the petty vexations which had attended the collection of tithes, but against the whole tithe system, tithes, in substance and in form, tithes levied on the Catholic population, for the support of a Protestant clergy. These are the subjects of complaint. The country has called for their abolition—the country has resisted the payment of them. The King's Government had felt this, and, to provide a remedy, they submitted the question to Parliament, through the Speech from the Throne. The right hon. Gentleman, early in the Session, brought the question before the House; he appointed his Special Committee. He did not, upon that Committee, name a single Catholic. Though I blame this exclusion, I admit that delicacy may have been the motive, as it was the Catholics of Ireland who were mainly aggrieved by the tithe-system, and Catholic Members might have considered themselves interested judges. But even that Committee, appointed as it was exclusively of Gentlemen whose principles and habits of thinking were strongly biassed in favour of tithes, and of the Protestant Establishment and institutions—even they found themselves constrained to recommend extinction, the complete extinction, of tithes in Ireland, and the substitution of another fund. The extended resistance to the payment of tithe, and the increased distress of the Protestant clergy, impelled the hon. Gentleman, in a few weeks after the Committee had begun their sittings, to call for a first report, whereupon to found his application for a coercive measure to bring in the arrears of 1831, and for a grant to relieve the alleged poverty of the clergy. A report was, at the same time, obtained from the Lords' Committee, which in the precise words of the Commons' report, recommended the complete extinction of tithes, as necessary both for the security of the Church, and the safety of the country. On two subsequent occasions, after the coercive measure and the grant had been obtained from this House, it was found convenient to deny that the reports had recommended a literal extinction of tithes; and it was found convenient, also, to deny that the Committees, or the Ministers could ever have thought of totally "extinguishing" this legal right and property of the Church; and the expression relative to the "extinction of tithes" was afterwards explained. The expression was, "that such changes, to be satisfactory and secure, must involve a complete extinction of tithe, including those to lay impropriators." This is said to mean not an "extinction" of tithe, but something different—some modification of them; but I submit to any man who understands the English language, whether any words could have been used better calculated to express a complete abolition—a thorough annihilation of tithes—than those which have thus been employed, not by the one Committee only, but by both Committees, who must be taken to have used them deliberately, on mature consideration, and by mutual consent, as, in both the precise phrase "complete extinction" was adopted. It has been contended, but vainly I think, that the concluding words of the sentence in each report, qualify and reduce the meaning—namely, the words—"by commuting them for a charge on land, or an exchange for an investment in land." These words, however, only strengthen the construction which the public has given to the Report; for it is impossible to commute tithes for a charge on land of a different nature, or for an investment in land, without the tithes themselves being extinguished, abolished, or done away with. But what makes the case still more plain in favour of the people is, the solemn pledge given by the noble Lord, the Chancellor of the Exchequer, during the debate on the Tithe Coercion Bill in March last, when the noble Lord said, on the Irish Members pressing for a present instead of a future remedy lest Ministers might change their opinions with circumstances—an event which I am sorry to see has occurred:—'It was the duty of the House, as it was 'certainly the duty of Ministers, indeed 'both would be acting inconsistently with 'honour and duty if they did not promptly 'apply themselves to affording a remedy 'to the urgent grievance, whilst they devoted their best attention to preventing 'a recurrence of the causes of that grievance. This was all that Ministers pro-

'posed in the present instance, which 'was merely a fulfilment of what he had 'stated on a former occasion, namely, that 'a measure coercively asserting the authority of the law should not be had recourse to without a pledge of an 'efficient remedy for the evil effects of the 'tithe system in Ireland, which had led 'to that state of things which called for 'this extraordinary measure.'* Such were the Reports of the Committees, and such the pledge of substantial relief given by the noble Lord; and now what is the relief afforded? A Tithe Bill! a Bill to make the composition of tithes permanent and compulsory over the whole surface of Ireland! The people complained of tithes —compositon tithes. Relief is promised; Abolition is recommended. And now, the relief for tithes comes—as a Tithe Bill! The measure is a mockery, if not an insult. Am I to be told, that the people liked the Compostion Tithe Act in preference to tithes in the ordinary way? The report of the Lords' Committee proved that the composition tithe met with more resistance than the uncompounded tithe; for it appeared by that Report, that, in the diocese of Ossory, there was due, for Composition Tithe, 14,345*l.*; for uncompounded tithe, 18,092*l.*; for Leighlin, compounded, 18,092*l.*; uncompounded, 2,700*l.* In Cashel and Guily, for compounded, 23,490*l.*; for uncompounded, 4,197*l.* Total in these four dioceses, 55,927*l.* compounded; 17,027*l.* for uncompounded. Thus, then, the resistance to the composition tithe was three times as great as that to the uncompounded. But will it be said, that this Bill comprises but one the three measures which the right hon. Gentleman intends to introduce, and which together, are to make up his relief? If so, a new argument against proceeding with this Bill arises; for why should the House enact, piecemeal, a fraction of a measure? Why not postpone the one until the whole system is placed before the House, in order that the efficacy of the whole may be judged of? Who can tell whether the right hon. Gentleman will ever have an opportunity of laying those reserved measures before the House? But even if he had now laid them before the House, will any man say that his "Ecclesiastical Compositions" to levy tithes would be efficient? Oh! the dream of the Irish landlords redeeming the tithes of their lands at sixteen years' purchase, will it ever be realized! The whole relief, then, that the country has really to expect, is in this tithe Bill! But it will not relieve—it will greatly aggravate all the evils—all the discontent which has already distracted the country, and will infinitely increase the distress of the clergy, whom the right hon. Gentleman has unluckily taken under his protection. I will now proceed to show that the principle of the measure is unjust. The first great feature of the Bill is to throw upon the lower class of landlords the tithe of the occupiers, who hold at will or as yearly tenants. This is adopted on the trite, but false maxim, that tithes are a charge on the land, and therefore the landowner is justly liable to them. Nothing can be more unfounded than that tithe is a charge on the land, as land. Tithe is a charge only on the produce. The occupying tenant who takes land and pays a rent for it, and then, by his industry and expenditure, raises produce, is the person, and the only person, of whom tithe can be demanded, the tithe itself being only a portion of that produce. But the mere owner of the land can never be considered liable in any way to a tithe demand; and yet this Bill seeks to relieve the occupying tenant, the person really liable to this bad tax, by throwing it upon his immediate landlord, whom no law, either civil or ecclesiastical, ever considered liable to a tithe charge. It does this, without giving any consideration to the landlord, or even alleging against him any culpability! It transfers one man's debt to another, without a pretence of justice or reason! Nothing in legislation was ever so monstrous!—The occupying tenant might and ought to be relieved by an abolition of the tithe, and providing some other more fit fund for the maintenance of the clergy; but to take the burthen from the tenant and throw it on the landlord is neither more nor less than legal robbery. But the Bill is unjust in another respect. Even if tithes were, as they are not, a charge on land, yet the charge should effect proportionally all the persons who have an interest in the land as landlords. But this Bill, passing over the owner of the fee, and all who under the fee down to the lowest landlord of the occupier, throws the whole burthen on the lower class of landlords, leaving the others free of all liabilities! The whole of the tithes of Ireland, now chargeable on yearly occupiers, are thus, during the present leases, thrown on one class of landlords, and that the class least able to bear the weight. Can this be justice? The right hon. Gentleman may be assured, that whatever may be the degree of resistance at present made to the payment of tithes, this change will increase it, and render combination, as it has been called, more universal against the system than it has ever yet been! But the whole scheme of the Bill is impracticable—it cannot work. How can the clergy recover under it? when the bill shall have passed, and the parson comes to demand his tithe, he cannot come to the occupier, the yearly tenant who has raised the crop; he has to inquire, in the first place, who is the landlord? Where is he? If the tenant on the land will not inform him, he must range about to find who is the present landlord of the occupier. The Irish tenants will not be likely to assist the parson or the proctor. He must employ an agent, an attorney, to make a search in the registry to see whose name is on record. If he discovers that at some expense, he comes to the landlord. The landlord may before the tithe became due, have assigned over either fairly or collusively. The parson is to search again, and new difficulties may arise which may not now be foreseen. But if he discovers the landlord really liable, that landlord may not pay—may not be able—may be absent. The parson then must apply himself to the remedy which this Bill gives him — an action of debt — a civil Bill (which he already has, as well as the power of distress by the present law), or to a receiver of the rents of the landlord. This leads the parson to the necessity of employing a solicitor; then to the making an affidavit, not only, that the tithe is due, but of the title of the person as landlord. If he is able to make that affidavit, then his solicitor proceeds to require the fee for the lawyer, fees to the officers of the Court. He perhaps succeeds in his motion for the receiver: he must then go with his solicitor and his counsel, perhaps, into the office of the Master in Chancery to have the receiver approved of. When he leaves the Master's office, sick of the expense and trouble, he then sends his receiver to the lands to receive the rent, to discharge his tithe debt. The tenant may have already paid his rent to the landlord, and cannot be called on to pay again, or what is more likely, he may refuse to pay, or may not be able, and then follows the distress of the cattle or other goods; then an auction; no bidders, and, after all the expense, trouble and vexatious proceedings to which the Bill gives rise, the parson finds himself precisely in the same hopeless situation in which he now is at a tithe sale! But this would be a simple case, compared with others which must arise out of this Bill. By the Bill, all new leases must be made free of tithes to the tenant. When, therefore, the landlord next above the occupying tenant shall have taken a new lease, the parson will not be able to come on him, for he will, by his lease, be tithe free. The parson then must have a double search to make, or to find the landlord next above the last, and demand his tithe of him. When the parson finds him, he may find that this landlord also has taken a new lease, and is tithe free; and if so, he has yet further to search, or perhaps the landlord may have mortgaged or assigned a part of his land; in any of which cases, and numberless others the parson must be disappointed. But suppose, after all, he finds this upper landlord to be liable, but that he is absent, he is then driven to all the former law proceedings, from the affidavit through the Chancery, the Master's office, and into the cottier's cabin, and he has then his tithe seizure, tithe auction, and all the blessings with which it is accompanied, and which he may, at the present moment, have and enjoy. Is it for this, then—for these benefits—that the right hon. Gentleman means to press this measure at the point of the bayonet on the people and clergy of Ireland? Is it for this that he is ready to immolate public rights—disperse meetings plainly legal—give a mortal stab to the Constitution of the country, by rescripts from the Executive to the magistracy, goading them on in a course which, to his (Mr. Wallace's) understanding, is clearly illegal? Is it for such benefits that he presses this fragment of his relief system on an expiring Parliament, and refuses to wait the meeting of another Session, when he might have his whole plan ripe and ready for adoption, or to avail himself of the interval of recess, to fix upon a fund that he might substitute for this odious impost, and by extinguishing tithes, give peace to the country, maintenance to the clergy, and redeem the pledge which Ministers have given to the public? Does the Right hon. Gentleman really and seriously believe, that by pressing such a measure as this, he will be able to procure for the clergy a single shilling in Ireland; or that, by this Bill, he will allay in a single parish the ferment which his former measures have raised? Let him not so flatter himself. His Bill will be efficient in nothing but mischief. I would, therefore, beseech the right hon. Gentleman to stop short in this unwise and unprofitable course, but that I know how inflexible the right hon. Gentleman is in pursuit of a favourite object. I would supplicate him but for this, to adopt the advice which has been given to him by the friends of Ireland. That advice has, in fact, been given to him by the Resolutions which were moved on the last debate on this subject by the hon. member for Wicklow. Those Resolutions may, perhaps, be somewhat vague by being necessarily short; but they are at least sufficient to vindicate the Gentlemen who oppose the present measure, and contend for a complete extinction of tithes, from the charge that they aim at abolishing the present provision for the Church, without establishing anything else in its place. Those Gentlemen never intended to leave the Church without a provision, but to substitute for an unproductive, a failing, and uncertain provision, one which will be fixed, adequate, and meeting the wishes of the people of Ireland, and with which all classes would be satisfied. They offered the whole property of Ireland, landed and personal, as a security or a subject for furnishing such provision; and though there might be a momentary difficulty in ascertaining the exact amount, or the arrangement of such a fund, shall I be told that his Majesty's Ministers, with the aids within their power, are unable to devise how an annual sum of 500,000*l.* may be raised on the whole property of Ireland? Why will they not yield to the urgency of these requests—and of the crisis? Why not avail themselves of this golden opportunity of at once revising the Church—adopting the advice pressed on them by the Amendment of my hon. and learned friend (Mr. Sheil), of applying first fruits to their legitimate purpose—extinguishing a tithe system which reduces Ireland almost to a state of anarchy—and, by providing for the Irish Church such an adequate support as will make this just claim of the Establishment safe, and restore tranquillity and good order to the country.

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* Hansard (third series) vol. x. p. 135.

Mr. *Stanley* said, the long speech of the hon. Gentleman opposite seemed little calculated to second the instructions moved by the hon. and learned member for Louth, for, during the whole of that long speech, not one word had been said of the Motion of that hon. and learned Gentleman, which reflected the highest credit on him, as well for the temper and ability which it displayed, as for keeping close to the object which he had in view, a merit which could certainly not be ascribed to the hon. and learned Gentleman opposite, who had endeavoured to prove, through the whole of his speech, that all the measures of the Government were calculated to deceive the people, by holding out promises of relief which they had no intention of fulfilling. The scanty number of Members now present was not very tempting to any discussion; but he hoped he might be excused in saying a few words upon the ground of this charge, and, first, with regard to the King's Speech. One of the subjects most prominent in that Speech was the state of Ireland. The hon. and learned Gentleman had, however, quite forgot to mention that the recommendation in the King's Speech was, that they should endeavour to combine the necessary measures for the safety, peace, and prosperity of Ireland, with measures which should ensure the existence and safety of the Established Church. But if the House were to adopt the suggestions of the hon. and learned Gentleman, that Established Church would stand upon a footing which the hon. member for Mallow would call a state of security in a very moderate way. Then, the hon. and learned Gentleman asked, what was the real cause of complaint? That was the point of importance, because by ascertaining that, they would ascertain what were the grievances to be removed. But, upon that point, he differed altogether from the hon. Gentleman; nor did he, in any degree, conceal that difference. The King's Speech did not hold out a promise of relief from the payment of tithes, without the substitution of an equivalent; neither did the Committee of the House of Commons, nor his noble friend's declaration, nor the measures which had been already introduced, hold out any promise that an exemption, and an absence of all payment, was to be the relief afforded. The hon. and learned Gentleman had quoted that passage in the first Report of the Committee which had been so often referred to, and he had repeated over and over again, that ten-times-refuted quibble about the extinction of tithes. He quoted, as others had done, one-half of a passage in that Report, in order to show that the Committee held out the promise of an entire abolition of the payment of tithes without any equivalent whatever. He read that portion of the Report which spoke of the extinction of tithes; and then he stopped, and commented upon it, suppressing points, and deducing from it an argument that the Committee had recommended the total extinction of tithes; whereas, the hon. and learned Gentleman must well know, that both the Report of the Lords' Committee, and of the Commons' Committee, distinctly stated, that the extinction of tithes was to be effected by commuting them for a charge upon land; or an exchange for, or an investment in land, by which the revenues of the Church should be effectually secured, and the clergy, as far as possible, removed from all collision with the occupiers of land. This was the measure of relief held out by these preliminary Reports, and which, it was intended, should follow the measure of coercion, as it was called. The hon. and learned Gentleman said, that though he (Mr. Stanley) might rely upon carrying the other two measures as well as this, he should be no nearer effecting an extinction of tithes than at the present moment. What could extinction of tithes mean, if one fixed payment in lieu of tithes, or a fair exchange for land, did not constitute that extinction. Would the hon. and learned Gentleman tell him, that was not an extinction of tithes? In what way would the hon. and learned Gentleman extinguish them, unless he would defraud the Church, by putting into the landlords' pockets that which at the present moment belonged to the Church? His notion must be, either the taking away the Church property altogether, or the making a fair commutation of it for a charge upon landed property. Then, what could the hon. and learned Gentleman mean by saying, that if he carried the two other measures, he should not be a bit nearer the extinction of tithe than he was at the present moment? This measure was a substantial measure of relief—a real and effectual extinction of tithe, unless by extinction of tithe was meant the getting rid of tithe without an equivalent. It removed the grievances of the tithe system—a system which was injurious to the operations of industry, and the employment of capital—that imposed a tax upon production, and operated oppressively upon the lowest classes of the people, collected as tithes were in the smallest portions, from a population differing in religion from those to whom they were paid. The mode, too, of enforcing the payment was disproportionally and extravagantly expensive, as compared with the sums sought to be recovered, and gave rise to those just complaints which it was the object of the Legislature to remove, and which, by that Bill, it had removed. The argument of the hon. and learned Gentleman appeared to him to look forward to something not before the House. The principle objection which he took to this Bill was, that it relieved the occupying tenant and charged the landlord. Was that the humanity, the patriotism, and the liberality of feeling towards the lowest class of the people, who were suffering under this grinding oppression, which animated the hon. Gentleman when he said, "I will agree to the payment—take the full amount of your charge, but, for God's sake, do not shift it from the occupying tenant—for God's sake do not impose it upon the land?" Why, this was the very merit of the Bill; it was by imposing the tax upon the land, that they removed the grievance from those who were ground down by the present system. They imposed the charge upon those who were properly liable, and who, at the present moment, ultimately paid it. The hon. and learned Gentleman had endeavoured to show, that tithe was not a charge upon the land; that, however, at all events, Ministers proposed to make it so; but, the hon. Gentleman said, it was not a charge upon land, because it was a tax upon produce. If he (Mr. Stanley) did not know the sincerity of the hon. and learned Gentleman, he should be almost inclined to call that a quibbling interpretation. He said, that tithe was not a charge upon the land, but a tax upon the produce of the land. That might be all very true; for, if the land were suffered to run to waste, the clergyman's charge, though not lost, would be in abeyance. But would the hon. Gentleman tell him, that the landlords were likely to suffer their land to go to waste for the purpose of defeating the charge of tithe? The very curse of the system was, that tithe was a tax upon produce—a tax upon industry; the more a man laboured, the more he paid, the more capital, skill, and perseverance he employed in the cultivation of his land, so much the more heavily did this tax press upon him; that was one of the great evils of the system which it was the object of this Bill to do away with altogether. He was told, that the measure was inexpedient, because it was no other than the extension of the measure of the right hon. Gentleman opposite, which had already been applied to two-thirds of the property in Ireland. He did not deny to that right hon. Gentleman the merit of that measure, because, he believed, that the Tithe Composition Act had materially benefitted the occupying tenant; but did not Ministers go further than the right hon. Gentleman? He fixed an annual payment in lieu of tithe, for the periods of twenty-one, seven, or three years. During this time, the tithe-proctor, and the tax upon industry were got rid of; but at the end of that period all the evils of the system returned with accumulated force, because the encouragement which had been temporarily given to the investment of capital, and the improvement of the culture of the land, by the suspension of the yearly increase of the clergyman's demand, only tended to make that demand so much the greater, when the term for which the composition was made expired, and the tithe system recurred with all its deformity, and all its oppression. Then, what had Ministers done? It had been said, that it was a great additional injury to the landlords, to make this measure compulsory and permanent. But would the hon. and learned Gentleman have the tithe system again, or would he not admit that, it was a benefit, that, from the present moment, the increasing demands of the Church was for ever put an end to? Whatever improvements there might be hereafter made in the land—whatever skill might be employed in its cultivation—whatever the additional investment of capital might be, no further advantage could be hereafter derived by the Church; but with a fixed charge upon the land the Church must henceforth be content; so that it would no longer operate as a tax upon the industry of the country. This was one of the points for which the Church had constantly struggled; it never would willingly forego this advantage of an yearly increase of its revenue, in proportion to the increased produce of the land. By this Bill, however, the clergy did part with this for ever; and if it accomplished that alone, the measure would be a material improvement upon the present system. He had thus established this proposition — that, from the passing of the Bill, tithes would be abolished for ever in Ireland. But the hon. and learned Gentleman said, that Government was only introducing a new species of tithe; true, it was a new species, it was a fixed and certain rent-charge, as a substitution for an indefinite, uncertain, oppressive and increasing payment. No man in Ireland would hereafter be charged with paying a certain proportion of the produce of the land, this Bill substituted a fixed money payment for it. And what was this fixed payment? The hon. and learned Gentleman said, "I will not quarrel with you if you will introduce a land-tax." This was a land-tax. What was the hon. and learned Gentleman's notion of a land-tax? Did he mean an assessment on the land of exactly the same amount on every single acre in Ireland, whether good soil or bad? Most likely he did not, but would regulate the charge according to the quality of the soil. The quality of land varied even in the same parish; and was it not according to that quality that the charge was apportioned under the Tithe Composition Act. By any other mode of charging the land, great injustice would be done to individuals, although, looking at Ireland in the aggregate, the whole amount of the charge would not be increased. For instance, a large sum of money was to be raised throughout Ireland, and it was proposed to tax those parishes which were at the present moment taxed lower than others, with an additional charge for the benefit of those which were now taxed higher. This might be a good argument for Gentlemen living in the province of Leinster, for instance, where the tithe composition was at present at the rate of 2*s*. 2*d*. an acre; but not for Connaught, in which the average of tithe, was about 11*d*. an acre upon land, good, bad, and indifferent. Now it was proposed to take from Leinster a specific portion of this charge, and throw a corresponding burthen upon the province of Connaught. This certainly might not, ultimately, do any injury to the Church, or to the country, looking at it as one and indivisible; but how could it be reconciled with the interests of the persons who were to pay, and those who were to receive. It was true, it might be very benevolent on the part of the clergymen in Leinster, for instance, who, though they would be receiving less than they now received, yet would console themselves with the reflection, that there was an excellent rector in Sligo receiving more than they now did. This might be all very right, but it was not according to his notions of justice, and he should have thought not strictly according to the notions of justice even of the landlords, as it would operate upon them after the expiration of the covenants which they had entered into. Thus, then, the Tithe Composition Act was, at the present moment a land-tax on the most equitable terms. But suppose, that the land all over Ireland was of the same quality, and that the same amount of tax was, therefore, to be imposed; how would that affect the landlords who had purchased their property under the present system? One individual purchased property upon the faith that the tithe was only 11*d.* per acre, and gave so much the more for that property; another person, in another part of Ireland, purchased his property, subject to a charge of 2*s.* 2*d.* an acre for tithe, and, in consequence, paid proportionably less for that property. Now, if a new arrangement was to be made, by which the tithe should be made an equal charge throughout Ireland, thereby doubling the amount which the first individual had hitherto paid, and proportionably decreasing the sum paid by the other party, upon what principle of equity could this be done? And did not this sufficiently demonstrate, that tithes were, in this sense, a charge upon land, inasmuch as they entered into all the calculations respecting the buying or letting it. No man would purchase an estate without inquiring whether it was tithe-free or not, and if tithe-free, he let it for a proportionably larger sum; so that tithe was, in that sense, as strictly a charge upon land as any thing could be, a charge to which the present landlords were ulteriorly liable. He admitted they had made their covenants upon the faith of this, that during the continuance of the lease, the occupying tenant should pay the tithe. It would be a hardship to throw upon those landlords who had let their land upon these terms, the charge which the tenants had covenanted to pay. But was this charge to be imposed on those landlords? So far from that being the case, it had been made a charge against Ministers, that a considerable time would elapse before the system would become generally applicable to the country, in consequence of the various leases now existing; and it had been endeavoured to throw ridicule upon the subject by supposing that a man on one side of a hedge paid no tithe, while the man on the other side paid tithe. But the ground on which they stood was this—let the tenant, holding under a lease, pay the tithe till that lease expired, and then let the landlord have the opportunity, in making a new lease, to take into consideration the additional amount of rent to be paid in consequence of the transference of this change from the tenant to himself. By thus affording the landlord time to enter into a new agreement, they were doing no injury to either party. The hon. Gentleman, then, complained that this was an arbitrary imposition on the landlords of Ireland. He had no sympathy with the tenant. Tax him; grind him as much as you please, but do not touch the landlord, —the moment a man was invested with that sacred character, then were his interests to be taken into consideration. But he did not throw upon the landlord the burthen, so long as his property was in lease, although he did afford him the opportunity of taking that burthen upon himself, because he had the power of commuting it for a fixed sum. How, then, could it be said, that, in any case, Government dealt hardly with the landlord? It threw no burthen upon him except prospectively, but it gave him the power, if he wished, to promote the tranquillity of his country, and the prosperity of his tenant, of putting himself in the clergyman's place for the recovery of tithes; not, however, adopting the hon. Gentleman's phrase, by making him the clergyman's tithe-proctor; but, by being, as he was, in a situation which enabled him to recover tithes from his tenant without expense, and of preventing his tenant and the clergyman meeting in collision, Government afforded him the opportunity, which, if he were a humane landlord, he would embrace, of doing these things, and, at the same time of putting a considerable sum of money into his own pocket. He acknowledged himself incompetent to enter into those legal difficulties which the hon. and learned Gentleman had suggested; but he certainly did not expect to hear, considering all the ingenuity of the legal profession, that those difficulties were insuperable. The hon. Gentleman asked what the clergyman was to do when he entered, an entire stranger, into his parish? He had nothing to do but to look at the Act of Parliament. That act fixed the period up to which the occupying tenant should be liable, and from that time he would cease to be liable. Up to that period the clergyman must levy by distress upon the occupying tenant, and from that time he was to levy upon the landlord. But the hon. Gentleman again said, how was he to find out the landlord? He did not think there would be any difficulty; because, when the tenant was no longer responsible, he would produce his lease, and it did not require any great ingenuity to find out the person who granted that lease; and he was the responsible person. And if there should be several intermediate landlords, it was only to trace back their various leases until they arrived at the original landlord. The hon. and learned Gentleman next adverted to the appointment of a receiver, and he had, in this instance, argued very unfairly. He said, that Government was about to appoint a receiver on the landlord's estate immediately. It did no such thing: it gave the landlord all possible opportunities of avoiding the appointment of a receiver. It first proceeded by action of debt and by civil bill process; but if the landlord would not comply with this, or if he contrived to defeat it, or if he was not in the country, how would the hon. Gentleman proceed otherwise than by appointing a receiver? If the hon. Gentleman could show him a process by which the payment of the money could be as effectually secured, he was ready to enter into the consideration of that question. But the hon. and learned Gentleman was not to turn round upon him and say, "you will, in the first instance, take the harshest measures you can pursue," and, after expatiating upon the erroneous mode of proceeding, say, "that this harsh remedy will not be effectual." With regard to the question more immediately before the House, he would say a few words only upon it. The hon. and learned Gentleman, the Member for Louth, proposed that it should be an instruction to the Committee that they should have power to insert in the preamble certain declarations as to the intention of the future proceedings of the Legislature. In the first place, the hon. and learned Gentleman said, that the preamble should express the intention of the Legislature with regard to the first fruits; and, in the second place with regard to the appropriation of the Church property. With regard to the first fruits, he went with the hon. and learned Gentleman in principle to the full extent; believing as he did, that it was both practicable and desirable, and consistent with the intentions and object of the first-fruits fund, that that fund should be made available to the purposes of repairing and building of churches; and the hon. and learned Gentleman would not find a more warm advocate for carrying that into effect, when circumstances permitted it, than himself. But, said the hon. Gentleman, why not say in the preamble that you mean to abolish the Church-cess and Church-rates for the future? He was not prepared to say, that he would do so. The hon. and learned Gentleman was aware that the first-fruits' fund could only come into operation very gradually, as, of course, he would not apply his principle to the present holders; therefore he was not prepared to go so far as the hon. and learned Gentleman. But if he wanted a warning as to pledging himself in terms for any future proceeding, he had had that warning in the present Session, with regard to the abolition of tithes, when he knew that his words had been taken up, and perverted to a meaning which they did not really bear. If he were to insert in the preamble of the Bill that Church-rates were to be abolished, the people would have nothing more to do than to take it into their own hands at once, by declaring that they would no longer pay Church rates; and if they were to be called upon to do so, they would say, "We have the sanction of Parliament, who have specified, in the preamble of this Bill, that it is desirable to abolish Church-rates and cess, and therefore we will pay them no more." But the hon. Gentleman called upon the Ministers to state that which would not be true; he required them to state, that the object of this Bill was, the extinguishing of Church-rates and Church-cess, and establishing a more regular payment of the first-fruits fund. But that was not the object of the Bill, and never was; what it was he had already stated. There could be no more convenient mode for ascertaining what ought to be the real amount paid to the first-fruit fund than what was afforded by this Composition Act, estimating it according to the price of corn. Upon these grounds it would be inexpedient to introduce a pledge into this Bill upon a subject respecting which it would not be fair to call upon the House in the present stage of the Session to give a decided opinion. He could not, however, forbear repeating, that, at the time the first fruits were created, the legitimate appropriation of that fund was for the very purposes which the hon. and learned Gentleman had pointed out, and to the resumption of which, for those purposes, no person could, however attached he might be to the Church, advance a fair and reasonable opposition. The hon. and learned Gentleman next called upon Ministers to say that the object of this Bill was the future appropriation of Church property for the general purposes of religion in Ireland. When the resolution was brought forward upon this subject, at an earlier period of the Session, he (Mr. Stanley) objected to it; and he now objected to this declaration, which embodied the substance of that resolution, because it was vague and indefinite, and pledged the Legislature to a measure, upon the nature of which a great difference of opinion prevailed. He entirely dissented, for instance from the appropriation of Church property to any other than ecclesiastical purposes. But let not the hon. Gentleman misunderstand him. He had called upon Ministers to use the same arguments with regard to the Reform of the Church as were applied to the question of Reform generally. He admitted the whole force of the hon. and learned Gentleman's reasoning. He had himself employed those arguments. He had said, that great evils had been occasioned by the too long suspension of the remedies required to be applied to the Establishment. Suspicions and jealousies had been excited towards that Church by the perpetuation of those abuses which time had suffered to creep in, and the rational members of that Church had long desired to do them away. But as he did not admit, that the principle of Reform was to destroy the Constitution of the country, neither did he admit, that a Reform of the Church implied the taking away the property of that Church. Until the Church in Ireland should be what it was intended it should be, not one single shilling of that property could or ought to be applied to any other than ecclesiastical purposes. He asked the hon. and learned Gentleman, whether he considered the Establishment in Ireland was in that complete state in which the property of the Church was designed to place it? Was there in every parish in Ireland a resident minister? [Mr. *Sheil*: They were not wanted.] Not wanted! The property of the Church in Ireland was held in trust, and the first trust was the extension of the Protestant Church throughout Ireland? While there was a single church out of repair—a single parish without a resident minister—the purposes for which that property was vested in the Church were not fulfilled, and his opponents, upon their own doctrines, could not apply it to any other purposes than for the maintenance of the Protestant Church. He might be told they did not want a Protestant Church or Protestant ministers. [*No, no !*]. If not, who was to be the judge as to the extent to which that Church should go? But the hon. and learned Gentlemen said, that he (Mr. Stanley) on this occasion, was at variance with many of his hon. friends around him. Undoubtedly, there were, among those with whom he had the greatest satisfaction in acting, some who entertained a modification of opinions upon this subject different from those which he himself entertained. He did not believe, that there was any difference of opinion between him and any of his colleagues on the subject under discussion: but if he believed that there was an insuperable difference of opinion between himself and those with whom he acted, he would not hesitate for a moment as to whether he should adopt his own principles or follow those of any individual, whoever he might be. He did not think it was within the range of possibility that he should be called upon to make this decision. It was probable that differences might exist between different members of the Government, as to the amount of Church Reform, but he was happy to say, that, both with respect to the principle and details of this measure, himself and his colleagues were perfectly agreed. He put it to the hon. and learned Gentleman, whether, at this period of the Session, it was advisable to introduce a pledge which the larger portion, even of those Members who opposed this Bill, would not agree to? The hon. and learned

Member had referred, in support of his argument, to the recent appropriation of part of the revenues of the Dean and Chapter of Durham, but that appropriation had been made for ecclesiastical purposes. It was the foundation of a university for the purpose of bringing up the youth in the north of England to the service of the Church of England, and the institution was entirely under the management of the Bishop, and the Dean and Chapter of Durham. He did not mean to say, that Dissenters might not incidentally take advantage of this college, but the main object of its foundation was the advancement of the Established Church. For the reasons he had stated, he must give his vote against the Motion of the hon. and learned Gentleman.

Mr. *O'Ferrall* was willing to give the Government credit for good intentions, and all he asked was, that they would extend the same liberality to those who opposed them. He and his friends were placed in a difficult situation between the Government on the one hand,and their constituents on the other. He could not, however, concur in some of the observations which the hon. and learned Member for Louth made with reference to the relation in which the Irish Members stood to their constituents. It was improper whilst discussing a question of this general importance, to have the hustings, as it were, introduced into the House. Upon this occasion, he trusted that the Members for Ireland would consult only the interests of their country. It was, however, gratifying to him to know, that on this question he concurred to the fullest extent, in the opinions of his constituents. The people of Ireland did not desire to commit an act of robbery or injustice. In the settlement of this important question they desired that vested interests should be protected. The right hon. Gentleman must admit, that the phrase "extinction of tithes," had been taken in a literal sense in Ireland. Now the measure before the House would effect, not the extinction, but the extension of tithes, by giving additional force to the existing Acts for the commutation of tithes. In many parts of Ireland, landlords had refused to enter into a composition for tithes, because, by so doing, they would be for ever bound to pay them, and would thus be placed in a different situation from that in which they at present stood. Suppose a landlord let a grass farm to a tenant, he would get a higher rent for it because it was not subject to the payment of tithe, but when the farm was subjected to the compulsory commutation, the tenant would demand an abatement of rent. Was it fair to place landlords in this situation? Were his countrymen who had been able to preserve a remnant of the property which they derived from their ancestors,—were they, in the nineteenth century, after all that they had suffered,in maintaining their principles to be subjected to a new penal law, for such, he would maintain this Bill to be? The right hon. Secretary said, that this Bill, was opposed because the Irish landlords wished to save themselves. He knew it was a popular thing in the House to attack the landlords of Ireland, and those who resorted to the practice were always cheered. He believed, however, that this class of persons in Ireland would not object to any fair settlement of the question. The right hon. Gentleman said, that the present system of tithes operated injuriously on agriculture. So also would his Bill. Under this Bill, the landlords who had expended the largest capital in the improvement of their land, would be compelled to pay the most tax. It would be the fairest course to assess the tax upon the intrinsic value of the land. Another objection which he had to this measure was, that it would be inoperative. It would render the law more detestable than it now was. but, in other respects, it would be inefficacious, and thus would give an additional triumph to popular feeling in Ireland. He would recall to the recollection of the right hon. Gentleman a speech delivered by the hon. and learned member for Kerry during the discussion of the Reform Bill, which was loudly cheered by the right hon. Gentleman's colleagues. "An Act of Parliament, the enactments of which are in direct opposition to the feelings of a whole people, is no more than a sheet of waste paper with the King's arms at the top, and the printer's name at the bottom. It must remain inoperative." These sentiments were cheered by the House then, why should they not be cheered as much now? What was complained of in Ireland was, that the same principles were not applied to the Reform of the Church, as were applied to the Reform of the Parliament. If the peace and safety of England were involved in the settlement of the Reform question, assuredly the well-being and quiet of Ireland were involved in the satisfactory adjustment of this question. The attempt to dispose of the tithe question in any way but that which would be satisfactory to the whole people of Ireland, must lead to consequences which every person of right feeling must deeply deplore. Suppose that England was obliged to go to war with Ireland in support of the Church, and that, after thousands of lives were sacrificed, she should be successful, what would happen then? She must colonize the country, and if she did, would the inhabitants submit to the payment of an immense sum to persons for performing duties from which they derived no benefit. He remembered an observation made by a great authority in the House of Lords. Lord Plunkett, when he was a Member of the lower House, when speaking on the Catholic Question, he said, addressing the then Ministers, that "to some persons history was no better than an old almanack." He (Mr. O'Ferrall) was sorry to say, that that observation was applicable to the present case. He would have the Government look back to the history of a former period, and consider the consequences which resulted from passing an Act contrary to the feelings of a whole people. Let them remember the Stamp Act. The proceedings which occurred in America at that period were precisely similar to those which were now taking place in Ireland. The higher orders at Boston looked on passively, or expressed direct approbation, whilst the mob assembled and paraded the streets, and the Act was burned by the hands of the common hangman. Every one knew the result: America was lost to England. He hoped to God that the result of this Bill would not be the ruin of his unfortunate country.

The House divided on the Amendment: Ayes 18; Noes 76—Majority 58.

Part of the AYES.

Bourke, Sir J.
Callaghan, D.
Chapman, H. L.
Doyle, Sir J. M.
French, A.
Jephson, C. D. O.
Killeen, Lord
Leader, N. P.
M'Namara, W. N.
O'Connor, Don
O'Ferrall, R. M.
Power, R.
Ruthven, E. S.
Walker, C. A.
Westenra, Hon. H.
Wyse, T.

TELLERS.

Sheil, R. L.
Wallace, T.

The House went into Committee; considered the Bill; and resumed.

HOUSE OF COMMONS,

Wednesday, July 25, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. FOWELL BUXTON, an Account of the total Number of Captured Negroes liberated in each of the different Colonies, and of the Number of Crown Slaves liberated in each Colony.—On the Motion of Mr. WARBURTON, an Account of the Names, Duties and Salaries of the Persons belonging so the Vaccine Board.

Bills. Read a third time:—Boundaries (Ireland).

Petitions presented. By Mr. SADLER, from Derby,—in favour of the Factories Regulation Bill.—By Mr. FOWELL BUXTON, from Weymouth; and by Mr. SADLER, from Horsham, Haddington, and other Places,—for the Abolition of Slavery.—By Lord KILLEEN, from Rathfeigh and Skreen,—in favour of the Ministerial Plan of Education (Ireland).—By Mr. KING, from Cove and Green Island,—against Tithes.—By Mr. FRANCIS BARING, from Portsmouth and Portsea,—against the Plurality of Benefices Bill.

MUNICIPAL POLICE.] Colonel *Lindsay* asked whether it was the intention of the Government to bring in a Bill for the establishment of a Municipal Police in the various towns of the kingdom, agreeably to the statement of the King's Speech.

Lord *Althorp* said, the Government had no such intention in the present Session of Parliament. He hoped the anticipations of what the Government meant to do on the subject would not prevent the municipal authorities in the kingdom from introducing Local Acts.

Sir *Robert Peel* hoped, that a Select Committee would be appointed on this subject to give the Government the best assistance in their power. Although not very friendly to Select Committees, he would undertake to say, that the noble Lord would be obliged to refer this matter to such a Committee.

LIBRARY OF THE HOUSE.] Sir *Robert Inglis* moved, that the House should resolve itself into a Committee on the state of their Library. He did not suppose that there would be any opposition to the Motion, and in the Committee he should move that an Address be presented to his Majesty to give directions for the erection of additional buildings for the more convenient custody of the books and papers belonging to the House of Commons, and to provide sufficient accommodation for all the Members.

Sir *Frederick Trench* said, that he objected to the plan that had been prepared. He thought that, before a grant of money was made, a plan ought to be submitted to the Members at large, for their consideration.

Mr. *Hume* thought it was not advisable to build a library, without a view to the permanent accommodation of the House. It might, perhaps, be deemed advisable to have the place they now sat in converted into a library, and better accommodation than now existed provided for the Members, whose numbers were now too great for the present space allotted to them. He strongly recommended the postponement of any definitive proceeding at the present moment.

Lord *Althorp* thought it would require more time than they had at present to decide upon this subject, in connexion with others relating to the House generally. He therefore concurred in recommending that postponement should take place.

Sir *Robert Inglis* had not supposed that there would be any objections to his proposal as it had been unanimously agreed to by the Committee up-stairs. The buildings were necessary for the safe custody of the papers and books; and if it was intended to have the library in use next Session, the building ought to commence without delay. He did not, therefore, think the matter ought to be postponed.

Sir *Matthew White Ridley* had some doubts whether the plan proposed was the best which could be devised, and he therefore recommended further delay.

Motion postponed for a week.

CHANCERY SINECURES.] Sir *Edward Sugden* called the attention of the noble Lord opposite, to the filling up of the sinecure offices of the Court of Chancery, which he understood were to have been abolished. The promise to abolish them was made in that House, when the Bankruptcy Bill, which had entailed such a great and useless expense on the country, was introduced; yet he now found that they had been filled up. The greatest complaints were made when one of these offices was held by a son of Lord Eldon's, and the various offices and the various fees of the Court of Chancery were then attacked freely enough; but not one word of objection was uttered now that the money was to be received by different persons; and the offices themselves, that were then so vigorously attacked as abuses, were now quietly filled up, and filled up, too, he begged to observe, after he had intimated that he should call the attention of that House to them. He complained, besides, of the delay that had taken place in settling the salary and the retired allowances of the Chancellor. He did not wish to mix up that which was a personal matter with another and a different subject, and he had thus been prevented from moving what he should otherwise have done—the repeal of nine-tenths of the Bankrupt Act. He wished to know in what way the noble Lord opposite explained the recent appointment of Registrar of the Court of Chancery?

Lord *Althorp* regretted that the hon. and learned Gentleman had availed himself of the opportunity of putting a question, to make an attack upon the Lord Chancellor, and said, that those offices, which were in the gift of the Lord Chancellor, must be filled up as they became vacant, until they were legally abolished. He was desirous that the question of the Lord Chancellor's salary should be decided as soon as possible; but he had hitherto been unable to bring it forward on account of the important business already before the House.

Sir *Robert Peel* said, that it was impossible to believe, that the appointments in question could be otherwise than merely provisional. In the Committee appointed to inquire into what reduction could be made in salaries of offices held during the pleasure of the Crown, the Lord Chancellor himself declared his intention to abolish all sinecure offices. He thought it would be a great improvement, if the measure were extended to the Court of Chancery, which was applied to other Courts, for putting an end to sinecures, and making proper compensation to the persons holding them. To show that this was the view which the Lord Chancellor himself took of the subject, he would read a passage from the evidence of the noble and learned Lord before the Committee. Being asked, "Are the Committee to understand that it is your intention to divest the office of Lord Chancellor of all sinecure situations?" he replied, "If I can obtain the concurrence of Parliament, it is my intention to divest the office of Lord Chancellor of all the sinecures which have hitherto been given for the maintenance of his family." Under these circumstances, it was impossible to consider the present appointment as more than provisional. Of course, if the sinecure offices should be abolished, the Lord Chancellor must receive a fair consideration for them.

Mr. *Hume* said, that as a Member of the

Committee, he could corroborate what had been said by the right hon. Baronet respecting the declared opinions and intentions of the Lord Chancellor. He was sure, therefore, that the appointment must be provisional, for the whole tenor of the noble Lord's evidence was, that the head of the Court of Chancery ought to be deprived of all sinecure appointments. As to the offices held by the son of the late Lord Chancellor, he (Mr. Hume) took it as a matter of course, that the five sinecures of that Gentleman (Mr. Scott) would be abolished without delay. The Ministers were bound in honour to the House, and to the country, that all appointments of the kind were only provisional, and were accepted by the persons appointed to them, subject to the contingency of abolition or reduction, as soon as the other more pressing questions which now occupied Parliament should allow the House to take up the subject of these offices.

Sir *Charles Wetherell* said, that the salary of the Lord Chancellor ought to have been settled long ago, and that when the patronage of the Bankruptcy Court was taken from that Judge, he ought to have been compensated by an addition to his salary.

Mr. *Robinson* expressed his astonishment at the appointment, which he could not reconcile with the solemn and repeated pledges given by the Lord Chancellor in favour of retrenchment and Reform. He thought this was a sorry instance of the spirit with which his Majesty's Ministers meant to fulfil their promises of economy. Was it possible that the Lord Chancellor filled up the office of Registrar without consulting his colleagues?

Mr. *Wason* was satisfied that the appointment could only be provisional. He had no doubt that Mr. William Brougham had accepted the office with the understanding that he was appointed merely to fill it up until it should be formally abolished.

Sir *Francis Burdett* was also of opinion that the appointment was only provisional; for it would be impossible to suppose that there was any intention to maintain those offices after the repeated declarations of the Lord Chancellor himself on the subject. The appointment must have been merely an official proceeding; as it was necessary to have some one in the place of Registrar until the office should have been abolished by law.

Mr. Alderman *Venables* was sure that the appointment would cause great disappointment and regret throughout the country, and would be looked upon as a breach of faith on the part of the Government.

Sir *Edward Sugden* begged that it might be understood that he had not made a personal attack upon the Lord Chancellor. He had asked the question merely to gain information.

Lord *Althorp* said, that if the hon. and learned Gentleman had not made a personal attack upon the Lord Chancellor, he did not know what a personal attack was.

Sir *Robert Peel* considered the discussion altogether premature. It was impossible that the appointment could have been intended to be permanent, inasmuch as the Lord Chancellor was pledged to the abolition of all sinecure offices in his Court.

Sir *Frederick Trench* trusted that his Majesty's Ministers would take a hint from the lesson which their adversaries had generously read to them. For his part, as a plain man, he could not suppose anything else than that the appointment was intended to be permanent. He could not imagine that the Lord Chancellor's brother was put to the inconvenience of resigning his seat in Parliament for the purpose of filling provisionally an office of which the abolition was looked upon as no very remote contingency. However, he trusted that the Government would act upon the generous suggestion which had been just thrown out, and would make the appointment only provisional.

Mr. *Hume* said, that it was most probable that the Lord Chancellor had appointed his brother because he could more easily abolish an office held by him than one held by any other person. Subject dropped.

CUSTOMS DUTIES BILL.] The House, on the Motion of Lord Althorp, resolved itself into a Committee on this Bill.

Clauses from 1 to 17 were severally read and agreed to, with amendments.

The 18th clause being read, imposing a penalty of 100*l.* on persons for each individual they might hire to land goods without paying the duty,

Mr. *Robinson* thought that the amount of penalty was not proportioned to the offence and the resources of the offenders. He would recommend the imposition of a larger penalty on those who hired persons for landing goods illegally. He was of opinion, that until the laws against common smugglers had expired, more severe measures should be taken against the principals in extensive contraband transactions. After the commission of the second or third offence, principals might justly be made liable to the punishment of transportation.

Mr. *Spring Rice* said, that the question of the penalty, resolved itself into a matter of arithmetic. It should be recollected, that for every person hired, the penalty would be 100*l.*, which, if ten were employed in landing the goods, would amount to 1,000*l.*

Mr. *Courtenay* said, that the penalty would not operate with all its apparent severity, owing to the difficulty of proving the fact of hiring. He was inclined to believe, that an increased punishment after the first offence would be advisable.

Colonel *Evans* said, they might inflict what punishment they pleased, but the only and the true way to prevent smuggling was to lower the duties.

Mr. *Poulett Thomson* said, that at present there was a penalty on contraband running, but those who employed the runners could not be reached, and it was to meet this case that the penalty was imposed. As these men generally worked in gangs the penalty was sufficient, as it might amount at the rate of 100*l.* for every man employed, to 2,000*l.* or 3,000*l.* A very high amount would only defeat their object.

Mr. *Robinson* proposed an Amendment to the clause, that for the second offence the fine should be 200*l.*, or an imprisonment of one year, at the discretion of the Court before which the case might be tried. This would be a security against the higher class of smugglers.

Mr. *Ewart* did not think the Amendment necessary.

Mr. *Poulett Thomson* repeated, that in his opinion, the fines already proposed would be found sufficient, and he therefore could not agree to the Amendment.

Mr. *Hume* hoped that the hon. Member would not press his Amendment. Let the Bill as it stood in that part have a fair trial.

The Amendment negatived, and clause agreed to.

The other Clauses of the Bill were agreed to, and the schedules as far as D.

On schedule D being read,

Mr. *Littleton* said, he had presented a petition from a wholesale druggist in London, who would lose 4,000*l.* or 5,000*l.* by the proposed alterations, and he begged to ask his Majesty's Government whether this loss might not be prevented.

Mr. *Poulett Thomson* stated, that Government had taken the case into consideration, and had communications with the druggists. Drawbacks were out of the question, on account of the adulteration of drugs, and it was the general opinion of the trade, that it would be more for their advantage, to submit to the loss of having the duties removed at once, than to suffer from the stagnation of the trade which would be caused by any plan to reduce those duties six or nine months hence.

Mr. *Hume* was glad of these reductions, as they would put a stop to adulteration. He wished to ask what duty was still imposed on bark?

Mr. *Poulett Thomson :* It is removed.

Schedule agreed to. As were the duties on the articles enumerated under the letters from E to N.

On the proposition (under the head "Oil") of reducing the duty on castor-oil to 2*s.* 6*d.* per cwt.,

Mr. *Briscoe* objected, as this reduction would injure the British manufacturer. He knew one who would lose 5,000*l.* by the alteration.

Mr. *Hume* approved of the member for Surry taking care of his constituents, but for the interest of the community, he should like to see this duty reduced to 6*d.* The oil might then be used for burning, and great quantities might be imported from India at a low rate.

Mr. *Hodgson* wished, like the hon. member for Surry, that the interests of the home manufacturer should be taken care of. The duties ought not to be suddenly but gradually reduced.

Mr. *Poulett Thomson* could assure hon. Members, that the representations sent into Government led him to believe, that the proposed alteration would not be injurious to the British manufacturer. The castor oil they manufactured was cold pressed, and quite different from that imported.

Sir *Charles Forbes* supported the proposed reduction as an act of justice to our East-India colonies.

Lord *Althorp* was persuaded from the representations made to Government, that the hon. member for Surry was labouring under a mistake. It was the wish of the great majority of the trade, that the alteration should be made and made speedily.

Motion agreed to, and the different divisions down to Z agreed to.

On the question that clause 35 be agreed to,

Mr. *Burge* rose to move a reduction of the duty on coffee, which he was sure would be beneficial both to the colonies and to this country. Coffee was the article, of all others, upon which free labour might be most beneficially employed, and the reduction of the duty would tend to the encouragement of free labour, while it would also promote the comforts of the people of this country, by placing the article more within their reach. As to the effect of the reduction of the duty upon the revenue, he could prove that the reductions which had hitherto taken place had been attended by a proportionate increase of consumption, and consequently had increased instead of diminishing the revenue. He moved that the duty on coffee imported from the West Indies be reduced from 6*d*. to 4*d*. per pound.

Lord *Althorp* was quite ready to acknowledge that too high duties by no means tended to improve the revenue; but, on the other hand, if the reduction of duties proceeded beyond a certain limit, it must injure the revenue, because the consumption of an article could not extend beyond a certain quantity. He certainly was afraid, that the reduction proposed, as it was small, would not increase the consumption to any great extent. He was not prepared to say, that the reduction proposed by the hon. Gentleman would not increase consumption at all, and he should be very glad indeed if he could try the experiment. In the present state of the revenue, however, he did not feel that he should be justified in doing so. The reduction which the hon. Gentleman proposed would amount to 200,000*l*., if it were not made up by an increased consumption; and he doubted that such would be the case immediately, although it was very likely that in a few years it might occur. He could not, therefore, consent to give up so large an amount of revenue. He had had hopes of being able himself to propose a reduction, and in that case he should have moved that the duty should be reduced to threepence, as he thought that a very small reduction was not likely to produce the effect desired by the hon. Gentleman. He was sorry to be obliged to oppose the Motion, but the present state of the finances compelled him to do so.

Mr. *Courtenay* was willing to admit that the noble Lord had met this question in a very fair and candid manner; but if his hon. friend persevered in his Motion, he should give him his support. It was true, as the noble Lord had stated, that the reduction of the duty might not be followed immediately by an increased consumption of the article; but it should be remembered that the duty of 6*d*. per pound produces nearly twice as much to the revenue as the duty of 1*s*. per pound did. The noble Lord said, that the small reduction now proposed, could not be expected to produce a similar effect to that consequent upon a large reduction; but the proposed reduction of 2*d*., was one-third of the whole duty, almost equal to the largest reduction that had been proposed in the duty on sugar. With reference to the revenue, he had always been for reduction, even at the expense of a sinking fund. If, proceeding on any system at all, they were making both ends meet, he certainly should not be disposed to advocate an experiment of this kind, but the case was different with the revenue of the country in its present state. Next year it would be absolutely necessary that some general and strong measure should be adopted. He apprehended that there were many reasons why it was desirable to encourage the consumption of coffee. It was a stimulant to which the poorer classes generally resorted, and which was not productive of any mischievous consequences to themselves. If there ever was an article, with reference to which we had a right to predict that a reduction of duty would be followed by increased consumption, it was that to which the Motion of his hon. friend was directed. They were all, he hoped, advocates of an anti-slavery system, and those most anxious for the abolition of slavery, must be desirous to extend the cultivation of any article but sugar in the West Indies. He must add, that this reduction would, in his opinion, be attended with very little risk to the revenue; and, under all the circumstances, he thought that the noble Lord, the Chancellor of the Exchequer, might agree to the Motion.

Mr. *Patrick Stewart* thought the revenue could not admit of this reduction; until the Treasury was in possession of a surplus revenue, it would be dangerous to have recourse to such a measure. At present the price of coffee was on the rise, and it was looking more favourably than any other article of colonial produce. It was one of the last commodities therefore which he should select for a reduction of duty.

Mr. *Hume* did not conceive, that the reduction would at all injure the revenue. He did not see why the noble Lord might not try it for a year. It would be, on the noble Lord's own showing, a small loss to the revenue, and a great boon to the planters, and he hoped that the Motion would be successful.

Mr. *Dixon* was also of opinion that the reduction of duty would not affect the revenue. The remark that the price of coffee was rising, was an indication that the revenue would not suffer, and that the present was a proper time to make the reduction.

Mr. *Poulett Thomson* said, he must oppose the Motion on the grounds stated by his noble friend. It should be recollected that when the duties were reduced before, it was some time before the consumption made up for the decrease of the revenue, although at that time there happened a concurrent reduction in the price of the article which could not be expected now. He certainly thought, that the reduction proposed, would benefit the coffee grower, but it would as certainly injure the finances; and the financial effect induced him to oppose the Motion.

Mr. *Irving* opposed the reduction which the hon. member for Eye wished to be effected in the duty on coffee, because the advantage to the consumer would be incommensurate with the disadvantage which would accrue thereby to the revenue.

Mr. Alderman *Venables* would support the Amendment of the hon. member for Eye.

Mr. *Burge* said, in reply to the objections urged by the noble Lord, that the question had not been met by him on its proper footing; for he had objected to the reduction in the duty on coffee on the ground that the risk to the revenue was much greater than the advantage which the consumer would derive from the reduction, whereas the consumer was not so much interested in this question as the West-India grower of coffee, who would be greatly benefited by the reduction.

Lord *Sandon* supported the Amendment, because the reduction would both benefit the poor of this country and the suffering planters of the West Indies.

The Committee divided on the Amendment: the numbers were—Ayes 22; Noes 53—Majority 31.

Mr. *Burge* next proposed a reduction of the Duty on Colonial Vinegar from 1*s*. 6*d*. to 2*d*. per gallon.

Mr. *Poulett Thomson* objected to the proposed reduction, on the ground that if the duty on colonial vinegar were reduced, a corresponding reduction must take place in the excise upon British vinegar, which could not be afforded at present. An opportunity of discussing the question more fully would arise when the whole subject came before the House, as it shortly would.

Mr. *Kearsley* pressed the hon. member for Eye to take the sense of the House on his proposal.

Mr. Burge withdrew it.

Mr. Burge moved, that the duty on ginger of 10*s*. per cwt. be reduced to 1*s*. Negatived; as was also a motion made by the same Gentleman to reduce the duty on pimento from 5*d*. to 1*d*. per lb.

Mr. *Dixon* next rose for the purpose of bringing forward his proposal for reducing the duties on rum. At present, the duties on rum imported into Scotland was 9*s*. the gallon, and he wished that reduced one half. The high duty on that article of colonial produce was extremely injurious to the West Indies and to England, because it operated to the advantage of the continental producer of spirits. He would, therefore, recommend that it be reduced to the same level with the duty on British spirits. In proof of his assertion, that high duties were injurious, he might quote the fact, that nearly the whole of the brandy and Geneva which were consumed in Scotland were prepared from whisky, which was coloured for the purpose of deception: thus the high duty defeated its own object. He begged to move, as an amendment, "That the duty on all rum imported from the West Indies into Ireland and Scotland be reduced to 4*s*. 10*d*. per gallon."

Lord *Althorp* said, he was not then about to argue with the hon. Gentleman that the change he proposed would be any loss to the revenue, neither was he disposed to deny that the West Indies possessed a good claim to the reduction proposed; but, at the present period of the Session, it would be impossible to entertain such a question. From his own experience of the House, he could undertake to say, that there would be the utmost difficulty in carrying through such an alteration at a time like this. When he heard that the hon. Gentleman gave notice of this proposition, it occasioned in his mind no small surprise that any Gentleman connected with Scotland should have made such a proposition; and of this he felt perfectly assured, that he would meet with very little support from Scotch or Irish members; strong opposition to such a change might, he was sure, be expected from both those classes of Members; and, considering that so many of them had left the House, it would be hardly fair to entertain any question in which they were so deeply interested, and which it was known they would resist to the utmost of their power; at the same time that he was perfectly ready to admit that a prohibitory duty on West-India produce ought not to continue, though he was sure most hon. Members would agree with him, that, under present circumstances, it would be impossible to make any change.

Mr. *Hume* thought it was very desirable that a reduction of the duties on imported spirits from the colonies should take place; but he admitted, however desirable the reduction might be, that it was at present impracticable, owing to the Session of Parliament being so very near its close.

Mr. *Andrew Johnston* said, that as respected Scotland, he should oppose any reduction of the duties now levied upon spirits imported from those colonies. The consumption of spirits in Scotland was already enormous, and calculated to destroy the morals of the people. He should, therefore, strenuously oppose a motion that would facilitate the supply of ardent spirits for the advantage merely of the hon. Member's constituents at Glasgow.

Mr. *Patrick Stewart* would support the Amendment of the member for Glasgow, if he pressed it to division; but, looking at the state of the House, he advised his hon. friend to withdraw the Motion.

Mr. *Dixon* regretted that a proposition of this importance should be discussed in so thin an attendance of Members, owing, he was afraid, to the practice of Members neglecting their duty in order to go canvassing amongst their constituents. It was not his fault that Members absented themselves when the most important mercantile Bill of the whole Session was under discussion. The land-owners and others were eager enough to attend and support Ministers when their own interests were not concerned, but they forgot principles and duty when a measure touched their own pockets. How the advocates for free trade could resist a proposition for equalizing the duties on rum and other spirits he could not conceive. He regretted that the noble Lord, though he could not make this a Government question, did not even vouchsafe him his individual support.

Mr. *Goulburn* hoped the noble Lord would take the subject into his serious consideration, both as respected the West-India interest, and as regarded the prevention of smuggling spirits from Scotland into this country, and adopt in the next Session some legislative regulations suitable to the emergency.

Amendment negatived.

Sir *Charles Forbes* had given notice of motions to reduce the duties on saltpetre imported from India from 6*d*. to 3*d*. per cwt.; on rice, from 1*s*. to 6*d*. per cwt.; and on pepper, from 1*s*. to 6*d*. per lb.; but understanding from the President of the Board of Control, that the whole of the duties on commodities imported from India were to undergo revision, he would not press his Motion. He could not, however, forbear from expressing his regret that the interests of India were so little attended to in that House. Neglect and injustice would, sooner or later, drive India to assert her rights. We might hold India by the sword, but it was the sword of the natives, and let them once turn against us, and our power would pass away instantly and for ever.

Mr. *Poulett Thomson* thought that was not a proper occasion to complain of injustice to India, or even that her interests were neglected. The merchants trading with India had been consulted on the subject of this Bill, and of seventy articles on which they recommended a reduction of duty, on thirty-three the duty had been materially reduced, in some cases even fifty or sixty per cent lower than was demanded.

Sir *Charles Forbes* admitted, that the Government had not altogether overlooked the subject, but the articles on which they had reduced the duty were of trifling importance compared to those on which no reduction had been made.

Lord *Sandon* rose to submit a Motion for the reduction of the very high duties now levied upon currants. This article was the only reliance of nearly 100,000 of our Ionian subjects; and yet it was still charged with the whole amount of the war-duty of 44*s.* 4*d.* per cwt., and was, perhaps, the only article on which no reduction had ever been granted. This duty was as 550 to 100 in relation to the price paid to the grower, a proportion unexampled in our taxation, except in the instance of tobacco. Between the years 1818 and 1824 the price of currants had risen very much, and an extraordinary stimulus was given to the cultivation; much land was given up to currants which had formerly been devoted to the growth of corn, and the result had been, such an increased production of the article, that the price had fallen to nearly one-fourth. At that point the price could not stand, inasmuch as it did not remunerate the grower, and, therefore, the cultivation would be diminished, until a diminished supply should have had the effect of raising the article to a remunerating price; indeed, that effect would have been already produced but for the hope and expectation that some alteration in the duty would soon be granted, a part of the benefit of which would fall to the share of the grower, and thus enable him to maintain the same extent of cultivation. Under the influence of the former low prices, the consumption in this country had risen from between 4,000 and 5,000 to 7,000 tons, giving employment to our shipping, which a diminished supply would again restrict, and also proving, that the low price of the article tended to extend its use. Indeed, if they knew not this fact from evidence, it might be inferred, because currants were an article of luxury to that numerous class in this country, the lower division of the middle class, which, though not rich, and, therefore, obliged to consider closely the prices of all that they consumed, were yet enabled to command the enjoyment of a vast variety of little superfluities from every quarter of the globe. Under the influence of low prices, the consumption had increased so far, as to produce a revenue amounting, in 1819, to 200,000*l.*, and, in the last year, to 328,000*l.* But at that amount it could not remain. The supply would be diminished, the price would rise, the consumption fall off, and the revenue, fall back to its former amount. If the revenue from this article could not be maintained, would it not be better that the reduction should be made at once by the Chancellor of the Exchequer; thus affording remuneration to the Ionian grower, additional employment to the shipper, the merchant, and the dealer, and a cheap luxury to a vast body of consumers in this country, than that he should wait, till it appeared upon the face of his Custom-house returns in the shape of diminished consumption, with all the accompanying circumstances, the very reverse of those he had enumerated? Even if it were thought impossible to reduce the duty, at once, to the amount it stood at before the war, from 44*s.* 4*d.* to 24*s.*, a reduction of duty in proportion to the increase received last year upon the former year, namely, of one-fourth, or 11*s.*, might be hazarded, for a higher amount than 250,000*l.* could not, for a continuance, be collected from currants. The noble Lord had better make the reduction in time, for if the destruction of the vines, which had begun, should be continued, no subsequent encouragement which he could offer, would bring back an equal quantity in less than five years, the period requisite for the perfection of the plant. The duty on currants, he must also remark, was excessive, as compared to the duty levied on raisins, which were not the produce of our own dependencies. On all these accounts, he would suggest, that a reduction of the duty, which was now 44*s.* per cwt., should take place, and that, in future, this article should only pay 28*s.* per cwt. duty on importation.

Mr. *Poulett Thomson* said, he was desirous, as well as his colleagues, that this duty should have been reduced in amount; but he regretted to say, that revenue to so great an extent could not be spared from the fund raised for the public service in the present year.

Mr. *Goulburn* agreed with the right hon. Gentleman, that relief by any reduction of this duty this Session was out of the question, more particularly as the government of the Ionian islands had refused to take off a tax which it now levied on the exportation of the commodity—a burthen loudly complained of by the trade and by the inhabitants of these islands.

Mr. Alderman *Thompson* said, that the export duty was inconsiderable as would appear when he stated, that the price of currants on shipboard was not more than 8*s.* per cwt.; and further, that it was necessary, in order to defray the expenses of a government in the islands. He was of opinion that our trade with the Ionian Islands must be altogether lost, unless a considerable reduction was made in the duty imposed on this their staple commodity. He thought that the duty ought not to exceed 20*s.* per cwt.

Mr. Alderman *Venables* supported the recommendations of the noble Lord. He thought that the Government stood in a manner pledged to reduce this duty, and he could find no excuse for not doing it except that the revenue could not at present spare the sum.

Lord *Althorp* thought, that the worthy Alderman had quite misunderstood the promises of Government which were conditional, and no case could be made out, to justify the reduction of duty here, whilst the article continued to be taxed on its export from those colonies to England.

The Clause agreed to without amendment.

Remaining Clauses also agreed to, and the House resumed.

CHANCERY SINECURES.] Mr. Spring Rice having moved the Order of the Day for the House to resolve itself into a Committee of Supply,

The *Attorney General* rose and requested the House would indulge him with their attention for a few moments. He understood that in an early part of the evening some observations had fallen from an hon. and learned Member on an appointment which had recently been made by his noble and learned friend the Lord Chancellor. He regretted that he had not been informed by the hon. and learned Member that it was his intention to bring the subject before the House; for had he (the Attorney General) been present, he should have been prepared to have immediately given a perfectly satisfactory explanation of the conduct of his noble and learned friend. It had been supposed that the Lord Chancellor had, in his statement of last year, intimated an intention that was entirely inconsistent with the step which he had just taken. His Lordship, in the discussion alluded to, did certainly declare his opinion, that the payment of judicial salaries, especially that of the Great Seal, by fees and sinecure offices, was unsatisfactory and inconsistent with the dignity which ought to belong to those offices; and, therefore, that it was most desirable that such a mode of remuneration should be got rid of. But his noble and learned friend had actually prepared a Bill on the subject, which was perfectly ready to be laid on the Table of the House of Lords; and which the Lord Chancellor would have introduced into the House of Lords some time ago, but for circumstances over which he had no control. The death of Mr. Scott, and the subsequent appointment, would make no alteration whatever in the Lord Chancellor's determination to proceed with the Bill, one provision of which was the abolition of the very office in question. But, until some arrangement were made with respect to that office, there were some important duties connected with it which it was absolutely necessary should be discharged; and that arrangement could not be made until the Lord Chancellor's Bill became, as he hoped it would become, the law of the land. While the office did continue in existence, therefore, his noble and learned friend felt it to be his duty to his family to confer it on an individual who had so strong a claim upon him as his brother. But, he repeated, there was nothing whatever in that act which was inconsistent with the former declarations of his noble and learned friend. He hoped the House would not think that he (the Attorney General) had acted unreasonably in taking the earliest opportunity to remove any impression which might have been made unfavourable to so distinguished an individual and public officer.

Mr. *Goulburn* quite agreed with the hon. and learned Gentleman that he did right to take the earliest opportunity of vindicating the noble and learned Lord; but he must maintain, that the hon. and learned member for St. Mawes equally did his duty, when he thought that there was anything reprehensible in the conduct of a public officer, in taking the earliest opportunity of bringing the subject under the consideration of the House. With respect to the Bill to which the hon. and learned Gentleman alluded, at the present period of the Session it might be exceedingly difficult to get it through Parliament.

Lord *Althorp* said, that he did not understand that his noble and learned friend had any idea of passing the Bill in the present Session, although it was his intention to introduce it, and to explain the new arrangements which he meant to propose.

Mr. *Robinson* hoped it would be perfectly understood that, however the office in question might be dealt with hereafter, the public would not hear of any claims respecting it, founded on vested rights.

Lord *George Bentinck* wished to know, if it was the intention of his Majesty's Ministers to bring in any Bill giving compensation to the Lord Chancellor for the loss of fees consequent upon the new arrangement?

Lord *Althorp* replied, that in the earlier part of the evening he had stated, that it was his intention early next week to move the Miscellaneous Charges of the Civil List, and he would then advert to the Bill for regulating the salary of the Lord Chancellor, and for placing all judicial salaries on a permanent footing.

Mr. *Hume* thought, that at this late period of the Session, it would be better to take a sum on credit, and make the definite arrangement in the next Session.

Lord *Althorp* observed, that if he postponed the settlement of those questions, and then in another Parliament should be unable to carry them, it would be imputed to him that he had so acted on purpose. He himself was satisfied, that in a Reformed House full justice would be done to every claimant; but as there were others who entertained a different opinion, he would not run any risk.

The House went into a Committee of Supply.

Several votes of the Colonial and Ordnance Estimates were agreed to without observation, and the House resumed.

REGISTRAR OF DEEDS (IRELAND) BILL.] The House went into a Committee on this Bill.

On the Motion of Mr. Sheil, that the Registrar be required to attend daily, the Committee divided: For the Original Question 35; Against it 4—Majority 31.

Mr. *Hume* then moved, that the Registrar should attend from eleven to two each day.

The *Attorney General* said, that in such circumstances, the *minimum* of time set down would be considered by the officer as a *maximum*, and it would be better to leave it to the conscience and discretion of the Registrar.

Mr. *Crampton* said, if a stated time was mentioned, the Registrar would never attend beyond that, and there were occasions when his presence for a longer period was necessary.

Amendment negatived.

Mr. *Hume* proposed, that the salary of the Registrar should be reduced from 1,500*l.* to 1,200*l.* a-year.

Mr. *Warburton* supported the reduction.

Mr. *Spring Rice* stated, that he did not consider the salary extravagant or objectionable.

Motion withdrawn.

The other Clauses of the Bill agreed to —the House resumed.

HOUSE OF LORDS,

Thursday, July 26, 1832.

MINUTES.] Paper ordered. On the Motion of the Duke of RICHMOND, an Account of the African and Creole Population of the Island of Jamaica, for 1817.

Bills. Read a second time:—Militia Pay, and Arms (Ireland).

Petitions presented. By the Earl of RADNOR, from the Unitarians of Stainforth and Thorne.—By the Duke of LEINSTER, from several Parishes of Dublin; and by Lord PLUNKETT, from the Remonstrant Synod of Ulster,—in favour of the Ministerial Plan of Education for Ireland.—By the Earl of RODEN, from Sturminster,—against that Plan.—By the Duke of WELLINGTON, from Galway, for the Alteration of a Clause in the Irish Reform Bill; and by the Earl of RODEN, ten Petitions from various Places in Ireland,—against the Irish Reform Bill.

CHANCERY SINECURES.] The *Lord Chancellor* presented a Petition from the Merchants, Bankers, and Traders of the City of Leicester, complaining of the existing state of the law between Debtor and Creditor, and praying that their Lordships would support the Bill on that subject, which had been introduced by him (the Lord Chancellor). That Bill had, as their Lordships were probably aware, been referred to the Commissioners of Law Inquiry, with a view to ascertain whether it might not be brought forward in a more improved shape. He took this opportunity to mention, that it was his intention, in the course of a few days—probably in the course of next week—to lay before their Lordships a Bill to the same effect as that which he had before introduced—but which had been lost owing to the dissolution—for effecting certain changes, and abolishing certain places in the Court of Chancery. When the Bill should be brought in, he should explain the general nature of its provisions, and then it would be for Parliament to have it printed, and allowed to stand over for consideration; or otherwise to deal with it as it might think proper. At present he would not trouble the House by entering into any details of the measure. He would, however, take that opportunity, in justice to himself, of making some observations on an arrangement which had been lately made with respect to some offices in the Court of Chancery; although he took it for granted, that none of their Lordships would suppose that any change had taken place in his opinions with respect to the abolition of certain offices in Chancery, or that any explanation was called for. But certain inquiries on the subject had been made in another place within the last forty-eight hours, as to which a public law officer had not then been able, it appeared, to give the requisite information. If that officer was ignorant on the subject, it was his own fault; for if he had asked him, he would have given him the requisite information. His ignorance, therefore, arose only from that which was the usual cause of ignorance among mankind—that was, that they had not taken the proper means to acquire information. The office which he held (that of Lord Chancellor) was, as must now be well known to their Lordships, paid in the very worst way in which it could be paid, partly by salary, partly by fees, and partly by patronage. This salary, those fees, and this patronage, were annexed to the office in order to enable the person holding it to support his dignity, and the burthens which he thereby entailed on himself and on his family. This was now admitted on all hands. It was universally admitted, that such was the object of the patronage branch of these emoluments, for they were considered as emoluments to be applied in the manner and for the purposes which he had stated. He put this nakedly and plainly to their Lordships, for such was the real state of the case; and this was one of the great objections to the way in which the office of Lord Chancellor was paid. For what was the consequence? The consequence obviously was, that one Lord Chancellor such as Lord Loughborough, might be eight years in office, during which none of the places might fall in, and another might be only eight months in office, during which the whole of them might fall in. The necessary effect was, to keep alive a number of useless places, in order to pay an officer, who almost of all others, ought to be paid in a direct, fair, equal, and certain manner. He alluded to such offices as were offices of mere patronage, and not to such offices as those of Masters in Chancery, Commissioners of Bankrupts, and places of that kind. These offices of mere patronage had in the Courts of Common Law, been made subjects of family settlements. Lord Mansfield, it was well-known, had made some of them the subject of marriage settlement, and a predecessor of his had held one of them, that of Clerk of the Hanaper; and a larger office, that of Registrar of Affidavits, had been the subject of purchase, and the profits had been divided among four daughters. He mentioned this only to show how these offices were disposed of, without meaning to blame any individual. They were matters for which no individual was responsible. The fault was in the system. It being his opinion, which was well known, that this was one of the worst ways in which a Lord Chancellor could be remunerated, as being an infringement of every rule that ought to prevail in the making of that remuneration—bad, because it was uncertain—bad, because it was variable—bad, as giving too much to one and nothing to another—and bad, as exposing an office to public odium and contempt which ought ever to be held in public respect and esteem. He was also of opinion, that it tended to create abuse, and to remove that proper control and those wholesome checks which were every where necessary to secure the right performance of the public service. He did not mean to say, that these consequences had all resulted, but he maintained that, as long as men were men, the existing mode of paying the Chancellor must have a manifest tendency to produce such consequences. Such being his opinion, and such having been the opinion which he had always expressed both in that House and the other House of Parliament, he need hardly state, that ever since he had come into office it had been his unalterable determination to endeavour to prevail on Parliament to abolish these offices, and substitute a less objectionable mode of remuneration for the person, whoever he might be, who might hold the office of Lord Chancellor. He had brought Bills into Parliament for that purpose. While these Bills were in progress in Parliament, it had been suggested that several improvements might be introduced, and he had been induced to refer them to some members of the profession, and to consult with them as to the manner in which the object which he had in view might be best effected. Some further information had been obtained in consequence of this proceeding, and it was proposed to make a considerable alteration in the Bills, so that the abolition of two offices—that of Registrar of Affidavits and another—might be combined in one measure instead of two. He also proposed to submit to Parliament a measure for the creation of a Court of Appeal, formed of the Lord Chief Baron and other proper Judges, to which it might be optional to parties to appeal, or it might be made incumbent on them, if Parliament should so think fit; but, he should say to which it should be optional to parties to appeal instead of appealing to this House. This he expected to be able to lay before their Lordships in a few days, and would not then enter into the details. But, with regard to the measure for the abolition of offices, when that was nearly ready to be presented to Parliament, the unfortunate and melancholy event (the death of Mr. Scott, son of Lord Eldon) happened, which vested two of the offices entirely in him (the Lord Chancellor), and he was as completely in possession of those offices, and as thoroughly entitled to give them to whomever he pleased, as he was to receive the salary and the fees which constituted the other portion of his remuneration. He need not repeat that he conceived this to be a bad mode of official remuneration, and one which he was determined to use every means in his power to abolish, as a practice unworthy of his office, and calculated to lower it in public estimation. The fault also, he repeated, lay in the system, and not in the individual Chancellor, and he trusted that he should be the last person filling the office who would have to complain of its workings. But surely it did not follow, that because he had pledged himself to the abolition of those sinecures, that he should, when the appointments thus unexpectedly fell into his hands, refrain from taking possession of some of the emoluments of his office, before any regulation had been adopted for placing them on a better footing. The proposition was absurd, and surely never entered into the head of any man possessing brains; so that he was convinced that the question put by a learned Gentleman in another place, which seemed to insinuate that he was violating his pledge by filling up the appointment, had no such meaning, and wholy originated from a laudable anxiety to "elicit information on a matter affecting the character of the highest law authority." "Yes," continued the learned Lord, "I am bound to believe—nay, cannot for a moment doubt—that the learned Gentleman was wholly influenced by this most praiseworthy desire of information. How could I think otherwise, knowing as I do, in common with all your Lordships, that philosophers have long since eulogized this laudable thirst of knowledge as the most distinguished attribute of humanity, and as the most distinguished feature of an ingenious and lofty intellect? Yes, my Lords, we have all read, that it is this Heaven-born thirst of information, and its invariable concomitant a self-disregarding and candid mind, that most distinguishes man from the lower animals, from the crawling reptile, from the wasp that stings, and from the wasp that fain would, but cannot sting; distinguishes us, my Lords, not only, from the insect that crawls and stings, but from that more powerful, because more offensive creature, the bug, which, powerful and offensive as it is, is, after all, but vermin. Yes, I say, it is this laudable propensity, upon which humanity justly prides itself, which I have no doubt solely influenced the learned Gentleman to whom I allude, to seek for information which it would be cruel to stingily gratify." Convinced that this was the sole source of the learned Gentleman's question and remark, he only regretted that he did not apply to him sooner for an answer. Fortunately, so far as the cavil of little minds was concerned, he had living witnesses in that House and elsewhere to testify, that before the melancholy occasion of the vacancies, and, forty-eight hours after they had occurred, he had expressed his firm determination to go on with the self-same sinecure-abolishing Bill, precisely as if these vacancies were not likely to occur, or never had occurred. There would be, as he had stated, some alterations or differences between that and the Bill he had formerly spoken of as in progress of maturation; but this he pledged himself to, that neither in letter, spirit, form, or figure, should the most insect and miscroscopic eye detect the remotest change in that portion of the Bill under which the very two offices at issue would be totally abolished. Of that part of the Bill, every line, every word, every letter, every jot and tittle would be the same as before, and within forty-eight hours from the time when he learned that these offices had become his own property, he had intimated his intention of proceeding as before with the abolition. He begged pardon; there was to be one alteration, and that was, that another office of 700*l*. a-year was to be included in the abolition. Such was the real state of the case, and he had only to add, that he hailed with great approbation the appearance elsewhere of the new zeal for the abolition of sinecure places, which were a most ancient and constitutional feature, and under which the country had become the glory of surrounding nations, and the envy of the world, as a sign of the times, and as a proof that at last we might hope to see their abolition. He trusted they would proceed in their economical career; and thanking them for their attention to himself, he would venture to suggest " they might go further and fare worse." For his part, he would continue his earnest endeavours to " set his own house in order." His sphere was necessarily limited, but, in the Court of Chancery, he would labour so long as he held office, trusting that the day was not distant when cheap, and speedy, and efficient justice should be within the reach of every British subject. He would not limit his exertions to the abolishing of the two sinecures more immediately under consideration, but should propose a measure for abolishing all the sinecures connected with his office, the majority of which, as they knew, were filled by noble relatives of his predecessors in office. That measure he would leave Parliament to adopt, if it should, as he was sure it would, see fitting. He was glad that they had thought proper to bestow so much attention on him. But let them not look to him only. There were many others who well deserved their attention. He could deal only with the sinecure offices in the Court of Chancery. There were other offices now vacant, of which he would recommend the abolition, and which he would insert in the Bill, and leave it to Parliament to dispose of the whole of them as Parliament might think proper. It would be ridiculous in him to vaunt that he had made a great present to the public. He had done nothing that deserved the name of generosity. He had no right to be generous at the expense of his office. All he said was, that he would go on with his Bill exactly as he had before intended, and leave it to Parliament to deal with the matter as they pleased. But it was necessary to fill up the office of Registrar of the Affidavits *pro tempore*, for otherwise no affidavits could be sworn or in many instances, made use of. The deputy derived his power from the principal, and it was necessary to appoint a principal that the deputy might be empowered to act, and so it happened in this very case. A question arose about an affidavit, the production of which was required in a very important cause, and yet it could not be produced in a valid form without the authority of the Registrar, whose office was at that time vacant. He had consulted the Master of the Rolls and the Vice-Chancellor on the subject, and the result was, that he himself, in whom the office was for the time vested, was obliged to act as the Registrar. But then that was a thing that could not go on, and, therefore, it became necessary to appoint a principal, that the principal might invest the deputy with the proper functional authority. Then the point was, who should he appoint? In the first place, he had a Bill in progress for doing away with the office altogether; in other words the appointment should be merely temporary, to be valid only till the Bill had passed into a law. He, therefore, took especial care to appoint a gentleman over whom he could exercise great influence, and in whom he had implicit confidence, that when he gave the word he would at once vacate the office, without the remotest whisper, or insinuation of a complaint of violation of vested rights, or any other claims set up by the defenders of sinecures and obsolete institutions. He therefore appointed his own brother, who, in accepting the appointment, was put to more inconvenience than, perhaps, his cavillers would be ready to expose themselves to, anxious as they were to preserve immaculate the character of the dispensers of justice in high places. The very vacating his seat in the House of Commons was in itself no slight inconvenience—the more to be felt, as the fees which he would have to pay on assuming the functions of his office would exceed the probable emoluments of it between the date of his accession and the passing of the measure which would abolish those offices. He should bring forward the Bill in the same manner as he had originally intended. What he was anxious about on the present occasion was, to show that his intention had not been altered one jot by the melancholy event to which he alluded, nor by any notice which had been taken about the matter in any quarter. It was now three weeks since he had intimated his intention to Members of this and the other House of Parliament, and of all mortals in the world, he was the one to whom it cost the least to abide by that intention. In reality, it cost him nothing. So much he thought it right now to say in common justice to himself; and having said this, he did not think it necessary to say more for the present.

The Earl of *Eldon* could take it upon himself positively to declare, from long professional experience, that the learned Lord could not, without violating his duty to the public, have acted otherwise than he did, in filling up the two appointments to which he had just referred. The learned Lord, however, very much under-rated the importance of those offices: so far from being sinecures, they were, particularly the Registrar's, places of great trust and utility. He assured the House that it was a place of considerable and of very important business, to which he knew that the person who lately held it had paid great attention. The party who filled it was besides responsible in damages for the slightest mistakes, and there were instances on record of damages having been obtained. It was right and proper that it should be so; and, in whatever way the office might hereafter be disposed of, he prayed the noble and learned Lord upon the Woolsack to take care that the officer who held the place should be responsible to the public for his conduct. He had always declared, that till Government otherwise provided for the Chancellors, these reversions were what they had a right to expect. He had so conducted himself whilst in office that he could fairly say that none of his family had received a single farthing to which they were not justly entitled. He agreed with the noble and learned Lord, that the office of Chancellor was very imperfectly and inconveniently remunerated; but his zeal to abolish sinecures would not, he trusted, induce him to curtail the office of that dignity essential in some degree to its public utility.

Lord *Wynford* quite agreed with the noble and learned Lord, that it was proper to abolish all fees as the payments for Judges, and he had acted upon this principle when he had presided over the Court of Common Pleas. He, however, joined with his noble and learned friend (the Earl of Eldon) in deprecating any alteration in the mode of remunerating the Lord Chancellor, which would lower the dignity of that high officer.

Earl *Grey* was sure that his learned friend's most satisfactory statement would extinguish all unworthy suspicions and insinuations of his having exercised the patronage of his office in a manner aught but worthy of his high character. In justice to his learned friend he was bound to state, that his learned friend had communicated to his colleagues his determination to propose the bill he spoke of, both before and after the vacancies had occurred.

The Duke of *Wellington* was a willing witness to the readiness with which the learned Lord sacrificed the emolument of his office to promote the public service. It was a reproach to Parliament, and indeed reflected somewhat upon the learned Lord's colleagues, that nearly two years had elapsed since the learned Lord brought forward a measure which the Legislature sanctioned, by which he was shorn of a great portion of his official emoluments, without Parliament having made a suitable compensation.

Earl *Grey* was free to admit, that the suggestion of the noble Duke was based upon strict justice, and had only to say, that, in the course of next week, a noble colleague of his would, in another place, submit to Parliament a proposition for rendering to his learned friend the compensation to which he was so eminently entitled. He was glad to find that all parties were unanimous as to the fact that the office of Chancellor was at present very inadequately remunerated.

The *Lord Chancellor* begged leave to be most distinctly understood as to be not in the remotest way a party to the measure to which his noble friend had just made allusion. He had never spoken to his colleagues with reference to it, and would not, the rather, as he protested against the doctrine which asserted the necessity of a large salary being annexed to the office of Chancellor. Whenever the intended measure should come before them, he would undertake to satisfy Parliament and the public, that an overgrown salary was by no means essential to securing the services of able and honest men, not only for the office of Chancellor, but of every other high office.

Petition laid on the Table.

PARLIAMENTARY REFORM—BILL FOR IRELAND—COMMITTEE.] The Order of the Day was moved for the House resolving itself into a Committee on the Reform of Parliament (Ireland) Bill.

Lord *Oriel* said, he objected to the whole Bill, as unprecedented and unjust, but especially that portion of it which disfranchised freemen. He would state some of the objections which he entertained to this Bill. In the fourth page of it, it was declared that, under certain circumstances, 40*s*. freeholders in towns should be admitted to vote at elections. If there were one species of voters in Ireland more objectionable than another, it was the 40*s*. freeholders in towns. He had represented a town of that country; and had found that individuals were in the habit of speculating in those freeholds as a means of realizing money. Persons previously prepared for the election had been found to occupy the tenements at rents such as to place them entirely in the hands of the speculators. These, then, were the species of voters who were, by this Bill, to be continued in the exercise of the elective franchise; while, at the same time, the freemen of these towns were to be deprived of it. In this case, it was no justification to say that there was a precedent for that deprivation. The injustice of depriving freemen of their elective rights was not to be defended by what had been done in England. Their situation, indeed, appeared to have been altogether overlooked. He would illustrate that observation by facts. The constituency of the town of Drogheda was composed almost entirely of non-resident freemen. The nature of their occupation rendered it in most cases impossible for them to be otherwise. The working journeyman earned his bread in the metropolis, and although he might expend part of his earnings in Drogheda, he was unable to fulfil the condition of residence. So with the merchant, who, though he enriched the town to which he belonged, yet was deprived of his vote because he did not live in it. Their Lordships had, in legislating, ever regarded with a watchful eye the interests of those who were unable to protect themselves. Under the English Bill the elective franchise was secured in perpetuity to the freeman who at present possessed it: not so, however, under the Irish Bill; not only the unborn child, but even the child actually in existence, were deprived of their right. Would their Lordships legislate upon different principles in the two cases? Justice had not been done to Ireland in the details of this Bill; and that opinion was shared by many noble and esteemed friends of his, not then present. When he looked at some of the provisions of the Bill, he must deem it a most inauspicious measure. One part of it—that relating to the oath of affirmation to be taken by the 10*l*. freeholder on registration—involved a most important consideration. When the great question of Catholic emancipation was settled, and the registration of voters in Ireland arranged, it was enacted, that every freeholder coming forward was to be called upon to produce the deed, lease, or instrument, by virtue of which he claimed such freehold; and, upon the production of that lease, the claim was decided by the Assistant-barrister. Such was intended, he believed, to be the mode under the operation of this Bill, but the language was so confused that he could not speak positively to the meaning of any part of it. By the Act of 1829, every person who was then adjudged entitled to register, must take the oath of affirmation. That oath contained the following very important words, which were left out in the present Bill:—"That a solvent and responsible tenant could, as I verily believe, afford to pay for the same, as an additional rent, fairly and without collusion, the annual sum of 10*l*., over and above all rent to which I am liable in respect thereof." Why was that omitted in this Bill? What was the bearing of its omission? Was it not to fritter away the security heretofore existing, that the 10*l*. freeholder was superior to the freeholder of 40*s*.? There was an infraction of that very Act which was passed purposely to regulate the 10*l*. freehold qualification. In connexion with that subject, allusion had already been made to the great measure of Catholic relief. That was a measure called for by every principle of justice—it was a measure of policy—of necessity—the necessity of putting an end to the discontent then existing in that country. That measure had been described by one of the highest authorities in this House, as having been marred; and it certainly had been marred, though not by the noble Duke who carried it through, but by those who succeeded him in office. It never was supposed that the measure could be immediate in its beneficial effects, its most ardent supporter could not expect such a result—could not believe that, as the extended arm of power was held out, the troubled waters of discontent would at once subside. No, it was a prospective measure—a measure, the object of which was to reconcile the Catholics to those institutions from which they had been excluded, and to laws which had degraded them. Was it not natural to suppose, that the people who obtained that measure, as they were taught to believe, by the assumption of an attitude of force and resistance—was it not natural to suppose, that they would be excited by feelings of victory, and that they would exult over what they deemed a fallen foe? Was it, then, for the Government, who had to carry the measure into execution, under such circumstances, to espouse the cause of that party? What was the reason why that great measure had been marred? It was to be found in the selection of the new Government of that country, and in the acts of that Government. When speaking of the noble Marquess at the head of it, let it not be conceived that he intended, in the remotest degree, to say anything disrespectful of him; but he must say, that that noble Marquess had disqualified himself for the station which he held, by making himself a partisan of those who were then agitating that country. He meant the letter addressed by the noble Marquess, soon after his arrival there, to which the utmost publicity was given. That letter was a proof of disqualification beyond the possibility of redemption, under the circumstance of the existence of two parties in Ireland. Noble Lords might say, that the case was afterwards changed; the case might have been changed, but the partisan remained. That letter was upon record. In another public letter, subsequent to that which he had mentioned, which bore the remarkable words that he might be permitted to suppose himself addressing all Ireland, the noble Marquess talked of "that great measure of justice." That circumstance, together with every act of the noble Marquess, shewed the people of Ireland what was the drift and the views of the Government with regard to that country; and what was the consequence? Were the gentry of Ireland to be upbraided for not rallying round the noble Marquess? Was it to be supposed that they could repose any confidence in his administration? It appeared to him that the authors of this Bill were open to the charge of insincerity, for every care was taken to specify who were to possess votes; while, at the same time, it was well known that in Ireland freedom of election could not be exercised, that a voter could not present himself at the poll, and deliver that vote which was consonant with his own feelings and wishes. Should he oppose himself, on such an occasion, to the prevailing excitement, he exposed himself to the risk of being waylaid and maltreated. He might be told, that there were laws to punish the offenders in such instances; but what was the case with regard to all law in Ireland? There existed not the means of enforcing it. There was another portion of this Bill to which he had the very greatest objection; it was that which enacted that no clergyman should be permitted to vote as such, unless his name should have been duly registered. He must protest against that clause, and he hoped their Lordships would agree with him. He might be told, that it was nothing more than was done in the English Bill, that the English clergyman was also called on to register before he could exercise a vote. But look at the different situation of the clergyman of the two countries. In England the clergyman delivered in a paper, in which he said, "I claim to be registered," and if his claim were correct, he was immediately adjudged entitled to register. But what was the case in Ireland? There the clergyman must come forward and say, "I do swear that I possess a freehold, &c.," at the very moment when the persecution against him was so strong that he was unable to tell whether he really had any property at all. In what a situation, then, was this unfortunate man placed. He was degraded from the station which he had hitherto filled. He entreated their Lordships to consider all the injuries which would be inflicted, and the dangers which would attend this measure, and in consideration of which he had felt it his painful duty to oppose its further progress. He had now pointed out what he considered to be the defects of the present Bill; and it was for their Lordships, and not for him, to decide.

Lord *Ellenborough* had but a very few observations to make. It was not his intention to allude to the manner in which this most important Bill appeared to have been treated by their Lordships; were he to do so, he should too much trespass upon their attention. He did not consider himself at liberty to vote for this Bill, though he had concurred in recommending to Parliament the Catholic Relief Bill. That bill was accompanied by a measure materially altering the qualification of the freeholders of Ireland, which was stated by the right hon. Gentleman who proposed it, and was understood by Parliament and the people, to accompany the measure of relief as an indispensable security; and he did not consider himself at liberty to diminish that security, which he should, to a very great extent, if he agreed to this Bill. The object of the bill for raising the qualification of freeholders in counties in Ireland was to restore to property its legitimate influence. That property was universally known to belong, principally, to the Protestants; and it was because it was Protestant property, that they had been desirous so to secure its just and proper influence. Parliament could not but see that, in Ireland, the preponderance of numbers was with the Catholics, while the preponderance of property was with the Protestants. Yet they had been desirous of giving—or rather of restoring—to Protestant property that influence to which it was entitled. That object was achieved by the bill determining the qualification of the Irish freeholders. It had been explained to the House by his noble friend who had just sat down, that the very qualification of the freeholders, as settled by the bill to which he had referred, was practically altered by this Bill. But that was a measure to which he could not consent, because, under all the circumstances, the Protestant had a right to maintain, in all its strictness and rigour, the qualification of the freeholders in counties as fixed by that bill. But, further, this Bill established a leasehold qualification. He was not prepared to say, that, after establishing in the counties of England a leasehold qualification, they were, in any manner, precluded by the measures which were passed in 1829, from establishing a similar qualification in the counties of Ireland; but they were bound to make that leasehold qualification as high as the freehold qualification. That was, indeed, the intention of Government a year ago; for, undoubtedly, the qualification, as settled by the Bill, which was brought into the other House of Parliament in the beginning of last year, was as high as the freehold qualification established in the year 1829; and, therefore, with that qualification, he could not have quarrelled, if his Majesty's Ministers had only had the boldness, and the justice, to adhere to that which they themselves at first considered a reasonable and expedient provision on this head. But they had not done so; they had introduced into this Bill a leasehold qualification, which was lower than the freehold qualification, as settled in 1829; they had thereby introduced a class of voters much inferior to that established by the Bill of that year; and thus diminished the security which was afforded by that Bill, and diminished the due influence of property in the counties. He must object to this Bill, then, even if it went no further than to alter the qualification in towns; but it went a great deal further, for it regulated and altered the qualification in boroughs. It was distinctly stated by the right hon. Gentleman who proposed the measure of Catholic Relief in the other House of Parliament, that it might be expedient to make an alteration in the right of voting in counties of cities and in corporate towns; but, at the same time, he expressly declared, that it would be inconsistent with justice to raise the freehold qualification in those towns, unless at the same time a corresponding measure with respect to the rights of corporate bodies to create freemen were introduced. The right hon. Gentleman stated, that some alteration upon both of these points might be required; but that much consideration of the peculiar circumstances and relations of the different cities and towns would be needed, before it would be possible to introduce a satisfactory arrangement upon the subject. This, however, at least was laid down by the right hon. Gentleman as a principle never to be departed from—namely, that the freehold qualification was not to be raised, unless some measure of restriction was imposed on the right of corporate bodies to create freemen. That principle of justice and impartiality was immutable. But his Majesty's Ministers left the freeholder as he was; they did not raise the qualification, but they disfranchised the non-resident freemen; and, therefore, they introduced a measure which acted only upon one party, for, unfortunately, the freemen and freeholders were generally of different opinions and different parties. In the Report of the Commissioners, it was stated, that the freeholders ordinarily voted for one of the candidates and the freemen for another. The freemen had now the majority, but, under the measure which was suggested of disfranchising the non-resident freemen, the right of electing Members of Parliament would be practically transferred from the Protestants to the Catholics, altogether, by giving the Catholic freeholder a majority over the Protestant. When it was seen, that such would be the effect of this measure, even if it went no further, Parliament ought to pause before consenting to adopt it. But, in effect, the measure went much further, it adopted pretty nearly the new English qualification of voting in towns. The adoption of that qualification had the effect of creating a very large majority of Catholic voters, who would necessarily command the election of the Representatives of most of the towns. It might be said, that the Catholic Relief Bill put an end to all differences between Catholic and Protestant. Would to God that it had done so! but he knew, that it never was the thought of any man who proposed that Bill, nor of any man who acquiesced in and supported it, that the Representatives of Ireland should ever be so cast as to give to the Catholics a great preponderance in the elections. Quite the contrary; it was understood that the measure which accompanied the Relief Bill was a real and good security, because it restored to Protestant property its due influence in the election of Representatives. By the Catholic Relief Bill, again, the due influence of Protestant property was restored in counties. Noble Lords might say, that all this was very wrong, and that no inconvenience could arise under present circumstances in this enlightened age, from the existence of any number of Catholic Representatives in the other House of Parliament. It might be so, though they had recently seen that it was otherwise; but, at the same time, such was not the condition on which that Bill was passed; and, therefore, he felt it his duty, as one of those who recommended that which should be acquiesced in by Parliament, to oppose a Bill that most materially deprecated the whole security upon which Parliament was induced to sanction that former measure. He had said thus much, because he was desirous of explaining his vote upon the present occasion. Deeply as he regretted religious differences in Ireland, much as he deplored the existence of any distinctions between Protestant and Catholic, it was impossible for him not to look a little to circumstances which were passing around, and not to know that the Protestant supported the great measure of the Union with Great Britain, and that the Catholic did not. It was impossible for him not to feel, that even in this Parliament—but much more in a Parliament altered as it was to be by the measure of Reform which had now passed both Houses—it was most important that there should be preserved a great proportion of Protestant Representatives for Ireland. He desired to maintain the Union between the two countries, because he was satisfied that it was essential to their mutual benefit, happiness, and prosperity; and he opposed this Bill, because it was his firm conviction, that, by throwing a preponderating influence in the election of Representatives for Ireland into the hands of the Catholic body, which was materially influenced by priests, and which was much more influenced by agitators, the existence of that Union which was so indispensable to the interests of both countries would be greatly endangered. He voted against this measure on principle, because he believed it to be dangerous—because he feared it might be destructive to the Union. This was not a time for entering fully into that subject. He must own, however, that he looked with deep dismay to the condition of that country, and that he felt that his Majesty's Ministers were heavily responsible for its present and future state. He would not make himself any party to such responsibility for further evils. He would not create difficulties with which, whatever might be their good intentions, they might find it almost impossible to contend. He would not create a danger against which it might be impossible for them, under the altered circumstances of the Legislature, to contend, by agreeing to a measure which destroying the sole security that accompanied the Catholic Relief Bill, and that induced Parliament to grant, and the people to acquiesce in it, increased greatly, at the same time, the influence of Catholics in Parliament, endangered not only the Protestant Establishment in Ireland, (which one could hardly now speak of as being in existence), the Protestant Government of these realms, the tranquillity of both countries, and the integrity of the empire, which his Majesty was bound to preserve, as well as of that Church which he had sworn to maintain.

The Marquess of *Clanricarde* defended the conduct of the noble Marquess at the head of the Irish Government, and contended that the event proved that the advice of the noble Marquess to the people of Ireland with respect to agitation, was the best that could have been given, and necessary to be acted on, in order to carry a measure which was essential to the preservation of that country as an integral part of the empire. The noble Baron opposite objected to the present Bill as taking away the securities of the Protestant interest. Did any man think, that if Parliament refused to pass the Bill, the interests of Protestantism would be rendered more secure in Ireland? What was the main feature of the measure? It consisted in this, that it did away with the existence of rotten boroughs in Ireland. There were, at present, about eighty Members who were returned by open constituencies; sixteen by close, or nomination boroughs; and four or five representatives were under the influence of individuals who did not act with noble Lords opposite. Probably the noble Baron did not think that these last-mentioned Members afforded much security to Protestant interests, which were thus left to be defended by the sixteen Representatives of close boroughs. Truly this was a slight defence. To be sure, the noble Baron alluded to the enfranchisement of leaseholders in counties as hostile to Protestantism; did not the noble Lord know how many, or rather how few, leasehold franchises would be created by the Bill? If he were aware how insignificant their number was likely to be, compared with the gross amount of the county constituency, the noble Baron would hardly think it worth while to allude to them. Besides, would not this very leasehold franchise introduce the tenants of Church property into the constituency, and if so, did the noble Lord consider their introduction as dangerous to Protestantism? In his opinion, leasehold tenants would vote with their landlords; so that the interests of property, as against numbers, would be strengthened. The noble Lord complained of the extinction of non-resident freemen; but the resident freemen would have votes; and did the noble Baron suppose that the Roman Catholic interest would predominate in Belfast, Dundalk, Newry, and other towns, that might easily be mentioned? The noble Baron appeared to entertain great fears of agitation. He told the noble Lord, that such being the case, he was bound to pass this Bill, because, if it were rejected the influence of agitators would be increased tenfold by the creation of an actual grievance. Was it to be supposed that the Members for ten or twelve boroughs (assuming them to be in the Roman Catholic interest, and also assuming that interest to be hostile to the connexion with this country, neither of which assumptions he could admit) could carry a Repeal of the Union against the wishes of the English and Irish people? He denied that the great body of the Roman Catholics was in favour of a Repeal of the Union. The Catholics were an agricultural people, and fully alive to the advantage of having the English market open for their produce; they knew that a Repeal of the Union would deprive them of the benefits which they at present enjoyed, increase the amount of taxation, add to the wants of the poor, produce fresh evils, clog industry, and substract from the country that which it stood most in need of—capital; and knowing all this, the great body of the Catholics could not be favourable to a Repeal of the Union. In Dublin, which would profit by the presence of a local legislature, some desire might exist among the shopkeepers for a Repeal of the Union, but he denied that the feeling was general throughout the country. Of this he was convinced, that if their Lordships rejected the Bill, they would be adding to every one of the dangers which they apprehended; if they passed it, he hoped and believed that there would be found sufficient loyalty, discretion and judgment in the Irish people to maintain the Union between the two countries, and, by so doing, support the dignity of the Crown, the stability of the Government, and the true interests of the empire at large.

Lord *Ellenborough* said, that his opposition did not assume that no measure of Reform for Ireland should be granted, but that the present measure was inconsistent with the principles upon which the Roman Catholic Relief Bill was carried, and upon which alone it was competent for the House to legislate.

Viscount *Melbourne* was of opinion that the objections made by the noble Lord to the provisions of this Bill, were more properly the subject of consideration in the committee upon the Bill. He had heard, with much surprise the attempt made in his absence to inculpate the noble Marquess at the head of the Irish Government. So far from seeing that there was any just grounds for a charge of this nature, he was of opinion, that if a character for firmness tempered with humanity, for conciliation connected with high personal and moral courage, fitted a man for that arduous situation, the Marquess of Anglesey was pre-eminently qualified to fill it. As to the reasons which operated upon others in the vote they gave for abolishing the 40*s.* freeholders in Ireland, he knew nothing, but he voted for that abolition, not because he did not consider it as dividing the balance equally between Protestant and Catholic interests, but because he thought the 40*s.* freeholds were a bad mode of letting the land, injurious to the interests of the landlord, the morals of the people, and the true interests of Ireland. He concurred in the opinion of the noble Lord, that there was a large portion of the Catholics, both from feeling and interest, loyal to the connexion between the two countries, and opposed to any Repeal of the Union, a fact the more singular, when it was recollected what had been the character of that Irish Parliament now sitting in Dublin, with a fellow of Trinity College, and a clergyman, as one of its most violent leaders. He had weighed and considered those effusions so frequently uttered there. They were much like those of the Catholic Association; they were characterised by the eloquence—no, he would not say eloquence, for that implied wisdom and vigour of thought, but by talk as violent as false, and as imprudent as the resolution they had deliberately come to, that the Repeal of the Union would be highly advantageous and beneficial to the Protestant population of Ireland.

Lord *Ellenborough* again repeated his opinion that the great body of the Catholics were opposed to the Union.

The Archbishop of *Armagh* said: The Bill under your Lordships' consideration appears to me so vitally connected with the interests of the Protestant religion, and the permanence of the Church Establishment in Ireland, that I cannot satisfy myself with giving a silent vote upon this occasion. It is, perhaps, useless for me to assure your Lordships, that I am actuated in what I am about to say by no political hostility, although conscientiously differing from his Majesty's Ministers in many points of their policy. I look at the measure, not as it is brought forward by this or that set of men, but as it is likely to affect the Protestant religion, and the Protestant institutions of Ireland. My Lords, in the few observations which I shall address to you, I shall proceed on the supposition that it is no less politically than religiously wise, that there should exist an established Church in Ireland, and that this Church should be one—one in faith and discipline with the Church in England. If, indeed, we have gone the length of total indifference as to the form of religious belief and worship to be adopted and cherished by the State, so that it be the religion of the mere numerical majority in a particular division of the empire, if we can persuade ourselves as Christian legislators and statesmen, that, whilst enlarged views in trade and commerce, and improvements in the different arts and sciences, conduce to the prosperity of the State, purity of religious opinion is in no way connected with national and individual happiness; if the various forms of superstition and error be, in our eyes, as worthy of the state endowment and especial patronage, as the creed and reasonable services of our Church, then, my Lords, I am free to confess, that what I have now to offer is out of place, and founded upon antiquated principles, the soundness of which is, in this age, no longer acknowledged. If that be so, then, certainly, my zeal for the Established Church is wholly uncalled for; and I know not how my presence, and that of my brethren in this assembly, as Protestant bishops, and our right of interposing in your debates, can be defended. But, my Lords, I trust we are not legislating on such principles. I trust that the state is still essentially Protestant, and that whilst the fullest toleration is extended to all religious persuasions, whilst Roman Catholics are admitted without question as to their creed, into both houses of Parliament, still the Protestant religion is to be considered as exclusively taken into alliance with the State, and invested with peculiar privileges and endowments. Believing this to be the spirit of our Constitution, and being firmly persuaded that such an establishment is not only conducive to the propagating religious truth, but also the best safeguard for liberty of conscience, and the only means of avoiding the mischiefs arising from opposite sects, each contending for, and promising to itself, the mastery, I feel myself warranted in calling upon your Lordships, seriously to consider before passing this measure into a law, how far it is consistent with the security of the Established Church in Ireland, and with the kindred institutions in that country. When the legislative Union of the two countries was proposed at the beginning of the present century, one great argument in favour of that salutary measure was, that it would consolidate the two churches, and place the Irish branch in its true position, as no longer the church of a minority, but as that of the great majority of Christians in wealth, and station, and intelligence, in the united empire. Three years ago, when political power was conceded to our Roman Catholic fellow-subjects, it was contended that the concession could be made with safety to the Church; and some of the most able advocates of the Bill asserted that they would not have supported it except upon the conviction, that instead of weakening, it would be the means of strengthening the Church's security, whilst it was conscientiously opposed by others as well as myself, not on the narrow motive of exclusion, but on the broad and constitutional principle, that the privileges sought for could not be granted without endangering eventually our ecclesiastical establishment in Ireland, which in that day men on all sides professed themselves anxious and bound to maintain. Nor would that measure have been carried, had it not been accompanied with the disfranchisement of the 40*s.* freeholders, who, under the peculiar circumstances of Ireland, were supposed likely to exercise the franchise under the direction, or rather spiritual control, of the adversaries of Protestant establishments. Why, then, my Lords, the question to be considered is this—at least it is the question which I propose to myself, and by the answer to which I justify the vote I am about to give—Can this change be effected with safety to the Established Church, and those Protestant institutions and interests which form the strongest bond of connexion between the two countries, and are the main bulwarks of the settlement of property in Ireland? It is well known that the corporate boroughs which retained the right of returning Members at the Union, were very much under Protestant influence, and that they were originally intended to form, at any rate, that they actually formed, some sort of counterpoise to the numerical superiority of those who were opposed to the Irish Church Establishment. I do not say, that since the admission of Roman Catholics to political power, they form a sufficient counterpoise; very far from it. But, no doubt, they add in some degree to the strength and protection of Protestantism; and be they strong or weak defences, the Protestant Churchman feels that they are important, because they are the only ones now remaining. It has been said, and with some plausibility, that property will ever retain its influence in these boroughs, and that the great preponderance in wealth and station, though not in number, is still with the Irish Protestants. But the qualification of the voter is placed on so low a level, that property will no longer have its weight. In the towns which it is proposed to throw open, the great majority of voters will be those whose interest it is to court the customers who are adverse to our establishments, rather than those who are friendly to them. As long as there was a counterpoise to this popular influence, it was right that the class of persons alluded to should have a voice; and the practical excellency of the British Constitution was, that every interest caused itself to be heard in Parliament, while all was so mixed up by time and various associations, that no single influence could predominate to the undue depression of another. The smaller shopkeepers and renters of 10*l.* are not dependent for support upon their opulent neighbours, but upon the custom and patronage of those who are poorer than themselves; and every succeeding year, as it decreases the value of money, will in proportion increase the democratical tendency of the measure. I am aware, indeed, that the exclusive privileges of the Burgesses of these towns are viewed with dissatisfaction by many of the opulent inhabitants who now find themselves excluded from a right of voting; and if the Bill had gone merely to confer the elective franchise upon such persons, it would have appeared to me far less exceptionable than it does now. But how will the present Bill operate to their relief? Will it give them that preponderating influence which they covet, and which they suppose they shall obtain? Very far otherwise; without procuring for them any pre-eminence, it will raise to their level a class of inferior voters, who, from their greater numbers, will still keep them in the comparative want of political consequence, in which they complain they are now placed by the chartered rights of the Corporations. The respectable Protestants of every class will quickly find, that the power which they hope to enjoy will be snatched from their hands by those who may be expected to use it not merely for the subversion of the Established Church, but for the elevation of their own church on the ruins of the Protestant faith. The increase of Roman Catholic Members for these boroughs, and of those who are hostile to our existing institutions, it is well known, will not be inconsiderable, and since no equivalent is to be given for what we lose, what is gained by our adversaries will operate in a twofold proportion against ourselves. The accession of ten Members to the Roman Catholic side, when taken from the Protestants, is, in fact, an addition of twenty to their party. Now I believe that no Protestant can contemplate the state of Ireland without feeling that the confederacy against Protestant interests and the settled rights of property is already sufficiently powerful without this gratuitous addition to its force. I say gratuitous, because nothing is to be gained by granting it. It will end in the disappointment of the very Protestant Dissenters who are now friendly to it. No doubt some jealousy is occasioned in their bosoms by the superior endowments and privileges of the Church; but still this feeling is consistent with much good-will towards us, and did the consequences of the Bill now appear to them, as I think it will soon do, to be fatal to the Church Establishment, I am persuaded they would join with us, as they will perhaps do when it is too late, in support of institutions which are to them, no less than to ourselves, the main defence of religious liberty and purity of faith in Ireland. But will the measure be satisfactory to those whom it is intended to conciliate by its means? or is it likely to prove a final adjustment of our unhappy differences? Are we at last to fix our standard here? I say of it, as I did of the Emancipation Bill, that the boon is valueless in their estimation, except as it will prove a stepping stone to ulterior encroachments. They openly contemn the measure as an affront, while they threaten you with rebellion if you withhold it. The dissolution of the Union—separate legislatures—the subversion of the Church—confiscation of its property—the extinction of the British name—the restoration of Ireland to her just rank amongst the list of nations, which is but another name for her subjugation by some powerful intruder—these are the wild projects which they openly profess to have in view; and, in carrying on their purpose and achieving their objects, the Protestant clergy are driven from their homes, and deprived of their property, and the Protestant layman is no longer safe, who dares to oppose himself to their dictation. The laws, it is boasted by their leaders, can no longer be executed, and the evasion of them is justified on pretended principles, before the face of honourable men, by those to whom an unlimited power over the conscience is confided by their faith. The Roman Catholic population are bound together by illegal obligations for the attainment of those objects, which, when recommended by their spiritual advisers, assume a sacred character. In such a state of things, my Lords, it is proposed to add considerably to the strength of a party, already too strong for the laws; and this without the prospect of satisfying them, nay, with the express declaration on their part that they will not be satisfied with such a measure. Events threatening the existence of Protestantism are passing in rapid succession. Who supposed that, at the time of the Relief Bill, the security held out in the disfranchisement of the 40s. freeholders, would, in three short years be neutralised by the creation of a more dangerous class of voters. This Reform, it is said, is the consequence of that Emancipation; but what will be the consequence of this Reform? The downfall of Protestantism—the elevation of the Roman Catholic faith—the dismemberment of the empire—or the dreadful option of civil war. To avoid that civil war we conceded the Relief Bill, and still the threat of it is presented to extort fresh and fresh concessions from our weakness. Viewed in itself, this measure may not justify such anticipations; but I believe there are few who will say that it has not within itself the seeds of further innovations. What those innovations are, is already proclaimed, and who can doubt that the same unceasing agitation, the same system of bloodshed and intimidation, will be resorted to for bringing them about?

I am not unwilling to concede much to the prejudices, and I would concede everything to the just complaints, of men; but I see no advantage, and on every side much danger, in a measure of Reform, which, without satisfying any party, will strengthen the hands of those who are sworn to destroy Protestantism in Ireland, on the maintenance of which, not only the prosperity of that country, but also the permanence of its connection with the other parts of the empire depend.

The Earl of *Roden:* The noble Marquess (the Marquess of Clanricarde), who is not at present in his place, lamented that my noble friend who opened this debate should have felt it to be his duty, at the present stage of the measure, to speak upon the principle of the Bill, and I cannot help lamenting also that it should be necessary for him to do so, owing to the haste with which the measure was pressed forward in the absence of noble Lords, who would have taken an opportunity of opposing the principle of the Bill at what, perhaps, would have been the more fitting stage, namely, on the second reading. And here, my Lords, I cannot help returning my thanks to the noble and illustrious Duke (the Duke of Cumberland) who did everything in his power to induce the noble Earl at the head of his Majesty's Government to postpone the discussion of the principle of the Bill for a few days, in order to afford the possibility (and it did not exceed a bare possibility) of Peers resident in Ireland to attend in their places. I regret the more that the noble Earl should not have conceded so reasonable a request, as my noble friends from Ireland were obliged to visit that country, in order that they might, by their presence there counteract, so far as in them lay, the mischievous effects arising from what I call the apathy with which Government has viewed the alarming progress which disorder and tumult have made in that unfortunate country. On the part, therefore, of my noble friends, I beg leave to thank the noble and illustrious Duke for his exertions to postpone the second reading of this measure; and I cannot but lament that the noble Earl did not think it within the line of his duty to extend that courtesy to others which had been adopted towards him. When I had to bring forward a motion of great public importance, I consented to postpone it at great personal and indeed public inconvenience, at the request of the noble Earl, that it might not be pressed in the absence of the noble and learned Lord opposite (Lord Plunkett) whose attendance, as it subsequently turned out, was no more necessary than that of any other Peer who has the honour of a seat in this House. I cannot, my Lords, help saying, that his conduct on that occasion was but a continuance of, and strictly in unison with, the line adopted by the noble Earl ever since the introduction of the measure into this House. His own sovereign will is the only rule by which he will suffer our actions to be regulated, and should your Lordships attempt, even in the slightest degree, to resist the exercise of this arbitrary power, you know the remedy that is hanging over your heads. The force which the Constitution placed in your hands has been withdrawn from this House. You are rendered now totally a dependent body—dependent upon the will and pleasure of the noble Earl; and the power which he has so unconstitutionally usurped, he is determined to use with all the vigour of a despot. With such a prospect of the uselessness, the utter hopelessness, of resistance, it would be idle in me to detain your Lordships at any great length. The subject, however, is one so fraught with important matter, connected either with the happiness or misery of my country—and I augur nothing but misery from it—that I should not feel that I was discharging my duty as an independent member of this House—for, although the independence of the House as a body is gone, individually I have not forfeited mine—were I not to offer some observations upon the Bill on your Lordships' Table. This, my Lords, is the last scene of that drama in which the noble Earl has acted the first part, the minor characters of which have been so admirably supported by his colleagues. That drama I look upon as a deep tragedy; and even now, before the business of the scene has been brought to a close, I wish again to warn him of the results which must inevitably follow this measure. It will undoubtedly be the means of severing the two countries. The Protestant institutions of Ireland at least will be levelled with the dust, and eventually the destruction of this once mighty empire must be achieved. My noble friend who opened this debate has been taken to task for referring to the transactions of 1829. I have used every means in my power, here and elsewhere—the unfortunate measure of that year having passed into a law—to induce others to refrain from expressing any opinion likely to counteract any beneficial effects that were calculated to follow it; but when the noble Lord, the Secretary for the Home Department, stands up in his place, and eulogises that measure, and would have the House imagine that it was fraught with advantage to the country, I cannot, I own, under such circumstances, refrain from adverting to it. I cannot, my Lords, refrain from expressing my sentiments with respect to that measure, which was falsely termed a relief bill. It is, I own, with the deepest sorrow that I contemplate the consequences which have flowed from it. I have seen all those halcyon days, which its supporters promised us, come to nought, and though I know well that the noble Duke who proposed it to the House intended it as a measure of protection to the Protestant religion in Ireland, I do believe that my noble friend will now confess that he has been deceived with respect to the results which have followed from the measure. I was glad, on a former occasion, to hear a noble Lord, who was a supporter of that measure, now that he sees how much he has been deceived, state that he lamented the vote he had given, and that, were the thing to be done over again, he would take a different course. Whatever evils have arisen, or may hereafter arise from that measure, I have nothing to charge myself with. I had strong religious and conscientious opinions upon the subject; my course was therefore perfectly clear, and although my gloomy anticipations have been fully realized, I should be happy, much happier indeed, had my prognostications turned out to be incorrect, and those in which the supporters of the measure indulged had been realized. With respect to this Bill, my opposition to it is short and concise. I oppose it, because, in my opinion, it will effect the destruction of Protestantism in Ireland. I oppose it because it takes away the birth-right of Protestants, and confers it on those who are opposed to them—I oppose it because it is unjust in principle, and partial in its details. I oppose it because it takes power from those who have used it for the maintenance of the institutions of the country, and confers it on those who will use it to subvert those institutions. I know not, when we go into Committee, whether we shall be permitted by the noble Earl to alter, or even to argue on the details of the measure—but this I do know, that in the Committee I shall venture to propose such amendments as I think likely to curtail, at all events, the mischievous effects of the measure. This Bill will give to demagogues and priests that influence which property alone ought to possess. It will enable them to return to Parliament a class of men totally unfitted to wield the destinies, or control the power of this great empire. My noble friend has referred to the injustice done by this measure to the freemen, but he has not told you why that injustice has been perpetrated. I would refer noble Lords to the speech of the Secretary for Ireland, who introduced this measure into the other House of Parliament, and there the reasons are given openly, plainly, and avowedly. He states that his reason for acting in this way by the freemen was his hostility to the Protestants, and the reason he gives for their being disfranchised was simply their being Protestants. Following up his plan of insulting everything Protestant in the country, I was not at all surprised that, since that period, he should have given expression to such sentiments, with respect to the great majority of the Protestants of Ireland, as he was most incautiously led to utter. Speaking of the Orangemen, that right hon. Gentleman said, that they were the wretched remnant of an expiring faction. Circumstances have since, however, taken place which have shown him that they were no wretched remnant—that they were no expiring faction—and I believe the time is fast approaching, when that Government, which now seeks to blacken the character of the Orangemen, by heaping opprobrious epithets upon them, will have to call upon them as it recently called upon them before, to protect it from its present friends, and enable it to maintain the connexion between the two countries. His Majesty's Government is acting in a most extraordinary manner. One would have supposed that ere this the eyes of the Ministers ought to have been opened as to who the real friends of the connexion with England are. The agitators do not hesitate to declare that their object is to sever the connexion between the countries, and yet they are cherished and supported by the Government. But is there nothing masked under this apparent candour? Do the agitators seek for nothing beyond a Repeal of the Union? My Lords, any man must be wilfully blind to the passing events, if he fails to discover that the day is close at hand when the contest must take place: when that hour arrives I trust we shall be able to meet the difficulty, be that difficulty what it may. We live, my Lords, in troublesome times; we have a Government that wants courage—that wants decision—that wants temper to carry the country through the perils by which it is beset. The conduct of Ministers since their accession to office has proved them deficient in each of these qualities. Those whom they have done everything to allure, laugh at and despise them, while on the other hand, those upon whom they may rely, they have spurned and contemned. I hope the time will come, ere it be too late, when they will open their eyes, and perceive the difference between those who are ready to be their friends, and the men whom nothing can win over to their side. At present all parties look down upon them. Their conduct has rendered them undeserving of respect, and they are consequently despised by all. I know it has been said, that there are three parties in Ireland. My Lords, where are they? In vain have I strained my eyes to catch a glimpse of the third party: I have listened and listened in vain to hear some sound denoting their existence, I believe in my conscience that no such party exists. In Ireland no party approves of the proceedings of the Ministers—they have not the confidence of the Magistrates—they have not the confidence of the gentry—they have not the confidence of the landed proprietors—they have not the confidence of the Protestants, and they have not the confidence of the Roman Catholics. Whether this Bill will give them the confidence of the Roman Catholics I will not take upon myself to say; but this I do know, that the Roman Catholic party have expressed themselves much dissatisfied with it. The noble Marquess asked me whether I objected to this measure because it did away with nomination boroughs; and he then went on to show how impossible it was those boroughs should be the means of upholding the Protestant institutions. I must take the liberty of stating that I am not opposed to all Reform. A long period has now elapsed since I stated that I had no objection to opening what were called the nomination boroughs, and to conferring the franchise upon a respectable constituency; I never, however, contemplated transferring the rights of the Protestant Corporations to a Roman Catholic mob. I conceived the proper and just way would have been to have thrown open the boroughs to all the Protestant residents, with a proper restriction. The Government, however, has gone further, and has struck at the root of the Protestant institutions. The noble Marquess has said, that there could be no doubt whatever that the 40*s*. freeholders would vote with their landlords. I know not whether the noble Marquess had anything to do with elections when the 40*s*. freeholders in counties were in existence, but if he had, he must have known that the 40*s*. freeholders voted as their priests directed them, and contrary, not only to their own expressed wishes, but also contrary to the desires and wishes of their landlords. And so it will be again, and yet their rights are maintained, while those of the freemen are to be annihilated. The noble Viscount has passed a high eulogium on the noble Marquess, the Lord Lieutenant of Ireland. I am sure I am the last person in the world that would say a word derogatory to the character of my noble friend; I have known him long, and have a sincere regard for him, but this I must say, that the management of the affairs of Ireland might be confided to better hands. What I complain of is, that his Government has viewed with apathy the daily infractions of the law—that his Government did not, by a timely exhibition of vigour, show the people that he was not only not a friend to anti-tithe meetings, but determined to put them down. I do trust, however, that the noble Marquess will see the necessity of going back to his first principles—principles which induced him to call the yeomanry of Ireland into existence. I have been told, that additional troops have been ordered into that country. I do believe that there exists in Ireland a body of men, which, if called upon by a Lord Lieutenant and a Government determined to act fairly, is sufficient, without the assistance of any troops from England, far gone as matters are at present, to restore in less than three months quiet to the country. I do not speak merely as a matter of conjecture. I live in the country, and I know that all which is wanting to restore tranquillity is firmness on the part of the Government. If that firmness be exhibited, and the Protestants get fair play, the country will be saved without the intervention of England. The noble Viscount has also referred to the state of Ireland, and has stated, that the Roman Catholics are not the only persons favourable to a Repeal of the Union. In proof of this, the noble Viscount referred to a petition presented by me to this House a short time since. It was with very great pain and regret that I presented that petition, which was from the Corporation of Joiners. But I trust and believe, that there are few Protestants who are favourable to the Repeal of the Union: these few imagine that, in the event of the Repeal being effected, the same Parliament would go back; that the boroughs which were disfranchised would be again called into existence, and in fact, that an exclusively Protestant Parliament would once more assemble in Dublin; when they, however, discover their error in this respect, I do believe the few who now advocate the measure will see the mischief that must ensue from a Repeal of the Union taking place. With respect to the Roman Catholics, it is certainly my opinion, that there are many respectable members of that community, who are aware in their hearts of the evil tendency of the measure, but driven on by priests and demagogues, they join in the cry for a Repeal of the Union, though their private opinions be adverse to those which they publicly avow. The noble Viscount has also referred to the Conservative Society, to which I have the honour to belong. I consider that society most beneficial, most necessary, and most useful. It has not only shown the Protestants of Ireland the dangers by which they are beset, but it has pointed out to them a remedy for the evils. I am rejoiced to find, that the noble Viscount reads the debates of that society, and that he considers the ability displayed by the speakers worthy of an eulogium from him. One word, however, fell from the noble Viscount with respect to the debates, which renders it necessary for me to call upon him for proof. He said, that the Conservative Society was like the Catholic Association, and both were false.

Viscount *Melbourne:* I said their arguments were false.

Earl *Roden:* I wish the noble Viscount would give the House some specimen of this false reasoning; and as to his comparing the Catholic Association to the Conservative Society, it is totally ridiculous. One was established for the destruction of the Constitution, while the other strives to maintain what is yet left of that glorious fabric—the exclusive object of one was to create disorder, while the object of the other is to afford protection to person and property, and to guard the liberties of all—Roman Catholic as well as Protestant. The noble Viscount has quoted a speech delivered at that society by a friend of mine—and I am proud to call him such, for I do not believe that there exists a more able, zealous, or ardent friend of the Protestants than my friend, Mr. Boyton. The noble Lord did not mention Mr. Boyton's name, but it was to him he alluded, and he states, that that Gentleman is friendly to a Repeal of the Union. Mr. Boyton, of whom the noble Lord has spoken in such just terms for his eloquence and talents, is no friend of a Repeal of the Union. It so happened that I was in Dublin a few days after the speech to which the noble Viscount alluded had been delivered, and I had a conversation with Mr. Boyton upon the subject, and I can assure the noble Viscount, that he is not friendly to a Repeal of the Union. The object of that speech was, to hold out a warning to the Government, lest, by injustice and persecution, they should drive the Protestants to look for a Repeal of the Union, as a measure of Protestant relief, and induce them to think that they would find more justice even from a Roman Catholic Government and a Roman Catholic Parliament, than from the noble Lords opposite. This warning, I think, cannot be too frequently repeated, and I only hope it may not be lost upon his Majesty's Ministers. If the noble Viscount find fault with the existence of a Protestant society in Ireland, he must blame the Government of Ireland. The right hon. Gentleman, the Secretary of State for that country, has treated the Protestants of Ireland in the most unworthy and unjustifiable manner. All his acts towards them have been characterised by injustice, while, on the other hand, he courted and conciliated those who set themselves up in open defiance of the laws. It was such conduct as this that called the Conservative Society into existence—a society which has been already a blessing to the country, and which has done more during the brief space since it has been called into life, towards arousing the Protestant spirit of the land, and directing that spirit towards the maintenance of the liberties of the country, than could be achieved by any other means whatsoever. I hope it may long continue in the course in which it has set out, and so far as my exertions go, they shall be freely given to forward the views and objects of the Conservative Society of Ireland. The noble Earl concluded by thanking the House for the attention with which he had been heard, and stated, he should reserve his observations upon the details of the Bill, until the House was in Committee.

The House went into Committee.

The Preamble postponed.

Clauses 1, 2, and 3 were agreed to.

On Clause 4 being read,

Lord Wynford moved, that the words "or other buildings" should be added after the word "counting-house," in order to prevent the possibility of persons having double votes for the borough and for the county.

The Duke of Wellington opposed the Amendment as restricting the right of voting in counties.

Viscount *Melbourne* said, the Amendment would create much confusion, and lower the class of voters. He should resist it.

Lord *Plunkett* said, if the noble and learned Lord were acquainted with Ireland, he would not propose his Amendment, which would not have the effect he wished. He opposed the Amendment.

The Duke of *Richmond* said, that, in another place, when the English Bill went down with a similar amendment, every lawyer on both sides of the House scouted it.

Lord *Wynford* did not care what lawyers said in another place; the question was, what was right and what was wrong.

Lord *Plunkett* said, he agreed in the legal opinions expressed elsewhere.

The Duke of *Cumberland* thought all objections might be obviated by inserting a proviso, for the purpose of preventing a man voting in a borough, from having two votes.

The Duke of *Richmond* said, the effect of such a clause would be, to disfranchise any Gentleman who possessed a vote for Oxford or Cambridge, and who might also happen to have a vote for a borough.

Clause agreed to.

The 5th Clause agreed to.

Lord *Wynford* objected to the proviso in the 6th Clause, and moved that it should be wholly omitted. He contended, that, as the right of voting by 40*s*. freeholders was abolished in counties, the same right ought not to be preserved in towns. The voters in each ought to be put on the same footing.

Lord *Plunkett* said, the Bill only preserved the right of 40*s*. freeholders for their lives, as was also the case with the rights of freemen.

The Duke of *Wellington* objected to the 40*s*. freeholders being retained in towns, whilst the rights of freemen were to be abolished. It was enacted by the Bill, that all freemen admitted after the 31st of March, 1831, though *bona fide* freemen, and resident, should also be disqualified. This clause, he was aware, was in the English Bill; but the reason for that was, that the English Bill was at that period before Parliament, whereas the Irish Bill was not introduced for a long time subsequently. The reason assigned for getting rid of the freemen was, because they would support the Protestant interest in the towns. Now, he had no hesitation whatever in stating, that the interest connected with the Church and the Protestant institutions of the country must give way, if the franchise were transferred into the hands of the Roman Catholic population. It was easy to say, that there ought to be no difference between Roman Catholics and Protestants. He wished to God it could be so; but the circumstances of that country were such as to render it necessary that a counterpoise should be given, to counteract the influence which the Roman Catholics would acquire by the Bill. He wished to carry the principles of 1829 into effect, and that could not be done if both parties were not placed on an equal footing. He thought it most unfair to give the Catholic population of towns the power of returning Roman Catholic Members to Parliament; and he should, therefore, seeing that the rights of the freemen were to be abolished, object to the 40*s*. freeholders being retained.

The Marquess of *Clanricarde* said, that the non-reservation of the rights of freemen made since March, 1831, was no argument for the deprivation of the 40*s*. freeholders in the towns. If the noble Duke thought the freemen unjustly treated, he might move to restore them their privileges; but the noble and learned Lord could not move to disfranchise the 40*s.* freeholders, for disfranchisement was contrary to the principles of the Bill.

The Marquess of *Westmeath* said, that the keeping up of the 40*s.* freeholders in towns was done as a set-off against the freemen; both ought now to be retained, or both disfranchised. He should support the Amendment.

The Earl of *Roden* considered the question one of justice; and it did not appear to him to be in accordance with justice to deprive freemen of their birth-right, merely because their votes might tend to support the Protestant institutions of the country.

The Duke of *Richmond* complained of the frequent allusions which had been made to Protestants and Roman Catholics, and said, that his noble friend could scarcely be aware of who the person was who supported the rights of the freemen in the other House. That person was Mr. O'Connell, and he could not be looked upon as a supporter of the Protestant institutions of the country.

The Duke of *Cumberland* said, the question was, whether it was in accordance with justice to deprive the freemen of their rights, and not who advocated the restoring of their rights elsewhere, or who opposed it. He was sorry to see the noble Duke, who was at one period one of the strongest Protestants in that House, now abandoning those principles.

The Duke of *Richmond* said, that the noble Duke seemed to suppose that there was no friend of Protestantism in the House, save himself and one or two noble Lords with whom he acted. He denied that the Bill was subversive of Protestant interests in the slightest degree. He challenged the noble Duke, or any noble Lord, to show that he had ever voted in opposition to Protestant interests. He did vote against the Catholic Relief Bill, because he was opposed to it at the time; but the Bill having once been carried, he gave his hearty co-operation to carry it into effect. This, however, he must say, that he considered the only benefit that would arise from that Bill was the doing away with all religious distinctions. But how could that desirable object be carried into effect, when, night after night, they heard from the lips of noble Lords, Roman Catholics denounced, and Brunswick and Orange Meetings were found following their example? How could the peace of Ireland be preserved, when such gross misrepresentations of the conduct and intentions of Government were held out? Why, at one of the meetings in the north of Ireland, he understood this was the language used:—"My boys, keep the Bible safe in your hands, and take care that your powder is dry." The only wonder was, that when such language as this was held, Ireland was not in a state of rebellion. He contended, that Catholics were the King's subjects, as well as Protestants—that they had equal rights, and that the Government was dealing out a measure of even-handed justice. Was he, therefore, for this, to be made the subject of such attacks? He repelled them with all the respect due to the noble Duke, but with the warmth which they were calculated to excite.

The Duke of *Cumberland* regretted that, contrary to his intention or desire, he had excited the anger of the noble Duke opposite. He begged distinctly to state, that he wished to treat this question as a matter of justice. But when the noble Duke attacked his noble friend (the Earl of Roden) near him, and accused that noble Earl of bringing the question forward purely as a Protestant question—when the noble Duke said, that seeing the attacks made out of that House upon the Roman Catholics, and the exciting language that was made use of by his noble friend, as well as by others, he was only surprised that Ireland was not in a state of open rebellion, he (the Duke of Cumberland) felt bound to interfere.

The Earl of *Roden* felt, after the attack made on him by the noble Duke, he was bound to trouble them with a few words. If the noble Duke never had any other flaw to complain of in his (Lord Roden's) character, than being a perpetual advocate for Protestantism in Ireland, he might well congratulate himself. He thought the noble Duke was irritated at what fell from the illustrious personage behind him, and if any one had no reason to complain, it was the noble Duke (Richmond) who commenced the attack upon them. The noble Duke had appealed to the House, whether he was not as good a Protestant as any noble Lord in it; he had vaunted much in his own praise; but he (Lord Roden) judged of men by their actions. He would affirm, that it was no proof of good Protestantism to support a measure which struck at the rights and privileges of the Protestant people of Ireland. The noble Duke had accused him of denouncing the Roman Catholics. He (Lord Roden) denied his ever having done so; he never denounced the Roman Catholics, but he did denounce the Government, and he would continue to do so, so long as it acted with injustice towards the Protestants of Ireland. The noble Duke might depend upon it, that, whenever the rights of his Protestant fellow-subjects were endangered, as he maintained they were by this measure now proposed, neither the noble Duke, nor any other man, should prevent him from speaking in their defence, and, as far as he could, from maintaining their cause.

Lord *Plunkett* said, did the noble Earl imagine that he was the only Protestant in that House? It would appear from his language that such was his opinion. He had no right, however, to arrogate to himself a monopoly of Protestantism, any more than he had a right of arrogating to himself a monopoly of returning Members to Parliament. The noble Lord said, he was not a friend to monopoly. Yet there was a town in Ireland called Dundalk, containing 10,000 inhabitants, over which the noble Earl exercised a monopoly. The noble Earl was the sole nominator and elector, and he had exercised his power to the utmost, for he had now placed in Parliament, as the Representative of the people of Dundalk, a person who was more odious to them than any other individual in the empire. He said this with no disrespect to the individual himself; but he repeated, that one more odious to the inhabitants of Dundalk than Capt. Gordon—

Lord *Wynford* rose to order. He submitted to the House, whether it was consistent with order, that any noble Lord should speak of any Member of the other House of Parliament as a person that was odious. Besides the observation did not bear, nor could it be made to bear, upon the question properly before the House, which was simply, whether a proviso should be inserted in the Bill.

Lord *Plunkett* was ready to do full justice to the great accuracy of mind and perfect impartiality of the noble and learned Lord who had interrupted him; but the fact was, that the noble and learned Lord was wholly mistaken in supposing that he (Lord Plunkett) was out of order. He believed that he was speaking as much to the point as many of the noble Lords who had preceded him. Again, he did not say that Captain Gordon was in himself odious, but that he was very odious to those persons who were called his constituents. His politics were the same as those of the noble Lord who returned him, and the politics of both were equally odious to the inhabitants of Dundalk. He contended, that the language used at the Conservative meetings—their professed desire to appeal to arms, and their abuse of Government for not permitting the contest between Protestant and Catholic, was anything but conciliatory. Reverting to the question before their Lordships, he argued, that it was by no means a measure of justice to deprive those persons of the franchise who already had it. Residence here was necessary, as well as in the case of freemen; and those who now possessed the franchise were to hold it for life, in the same way as the 40*s*. freeholders. In fact, the existing rights in both cases were to be preserved on the same condition—namely, residence. He should support the Clause as it then stood.

The Earl of *Roden* thought the noble Baron (Lord Wynford) was perfectly justified in calling the noble and learned Lord to order, as nothing could be more disorderly than referring to a Member of another House, and pronouncing epithets upon him, which, however, were since softened down. The noble and learned Lord was in gross error when he applied the term monopolist to him. He had shown, that, in his view of Reform, he was none, as regarded the borough of Dundalk; and he knew well there were many noble Lords about him as sincere in support of the Protestant cause as he was. The noble and learned Lord had stated, that Captain Gordon was odious to his constituents; this he denied: he had reasons for knowing, that he was elected by the unanimous voice of his constituents, and they were not the inhabitants of Dundalk, but the Protestant Corporation of that Borough. There never was a more useful man returned to the House of Commons than Captain Gordon; he was particularly fitted for an Irish Representative; he knew that country well; he had laboured through its length and breadth; he was sincerely interested in its welfare, and had been most useful in his exertions. He was not odious to the Catholic body—he was to the demagogues and jesuits; but the

Catholic people flocked to his meetings, and were deeply interested in his addresses to them. He was a noble champion of the Church of Ireland, and his exertions were known and esteemed. The noble and learned Lord's information respecting this Gentleman was not correct, and was only conveyed to him by persons who wished to represent matters as they thought most likely to please the noble and learned Lord. Notwithstanding the noble and learned Lord's charge, he would continue in his course; and he trusted to be at all times ready to meet him, or any one else, to answer such charges as those brought against him.

Lord *Clifford* observed, that a great deal of time had been wasted by the undue use of the words Protestant and Catholic.

Amendment negatived, and Clause agreed to.

On the Clause relating to the qualification of freemen in towns,

The Duke of *Wellington* moved, that the whole Clause be omitted, for the purpose of substituting a Clause similar to that in the English Bill. His object was, to preserve unimpaired the rights of freemen, whether acquired by birth, servitude, or marriage.

Viscount *Melbourne* said, that there was a great difference between the modes in which those rights were conferred in England and Ireland. In the latter, they were conferred exclusively for Corporation or election purposes, and were given accordingly to a much lower class of persons. It was, therefore, necessary to make a distinction in the Acts; but the object of Government was not, he could state, to affect any respectable class of freemen.

Amendment withdrawn; Clause agreed to.

The remainder of the Clauses were agreed to, as were the Schedules, with verbal amendments.

The House resumed.

HOUSE OF COMMONS,

Thursday, July 26, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. BURGE, the Registration of Slaves in Jamaica between 1817 and 1831.—On the Motion of Colonel EVANS, the Number of Officers of the effective Army Members of the House of Commons.—On the Motion of Sir JOHN HOBHOUSE, of the Number of Lieutenant Colonels and Majors on full pay, Abroad and at Home.

Bills. Read a third time:—Russian-Dutch Loan; Bankrupt Acts Amendment.

Petitions presented. By Mr. WALKER, from the Inhabitants of Toomb and Santry, for the Abolition of Tithes and Church Cess; from the Presbyterians of Drogheda, to be allowed to inter Members of their Communion in Parochial Burial Grounds.—By Sir ANDREW AGNEW, from Glasgow,—in favour of the Ministerial Plan of Education (Ireland).—By Mr. HUME, from Upper Canada, to make the Legislative Council Elective by the People; from the National Political Union, for a Reform in the Criminal Code; and from the Bethnal Green Political Union, for an Inquiry into Somerville's Case.

MILITARY ESTABLISHMENTS.] Colonel *Evans* rose for the purpose of moving Resolutions relative to the expense of the Military Establishments of this country. The present Government had now been in office nearly two years, but the reduction which it was evident might be made in our military establishments had not yet been effected, in consequence of the attention of the Parliament having been absorbed by one most important question. That question was now, however, happily decided, and he trusted they should be able to turn their attention to the subject of reduction of our expenditure. He was happy to be able to offer his humble tribute of applause to the right hon. Baronet, the First Lord of the Admiralty, for the reductions he had effected in the navy. Similar reductions might be made in the army, but the reason perhaps, for which they were not made, was, that the frequent changes in the administration of the War Office rendered it almost impossible for each Secretary to have had time or opportunity to pay attention to the subject; and another reason was, that the army was not as much under the control of the Secretary at War, as the navy was under that of the First Lord of the Admiralty. The first of the Resolutions which he meant to propose might be regarded as a truism. It was this: "That the strength and security of the empire, and the prospect of internal tranquillity and good order, being now augmented in an unexampled degree by the law which provides for an efficient Representation of the people in Parliament, it is expedient, in the opinion of this House, that the smallest practicable delay should take place in relieving the country from all unnecessary burthens; and especially by carrying into effect every possible reduction in the heaviest branch of the national expenditure—that of the army." If the external and internal security of the empire had increased since the passing of the Reform Bill, there was an additional reason for the reductions, as they could be made with much greater safety than before. The second Resolution he should propose was of a more extensive character, and stated the items in which considerable reductions could be made without detriment to the service. This Resolution, which detailed the mode by which this diminution might be effected, was divided into twelve different heads, and he would trouble the House with a few observations on each. The Resolution was as follows: "That it appears to this House that great reductions may be effected in the following military establishments, without detriment to the efficiency of the public service, and that some of them may be altogether abolished; namely, Chelsea and Kilmainham Hospitals, Military Asylum, and Hibernian Military School, the Waggon Train, the Irish and English Yeomanry, the disembodied Militia of Great Britain and Ireland, Regimental Dépôt Reserves, District Recruiting Establishments, System of manufacturing Stores for the Ordnance, in respect to construction of Colonial Canals and Fortifications, in respect to charge for Military Protection of Ceylon and Mauritius, Foreign Half-pay Lists, Household Troops of Cavalry and Foot Guards, and by diminishing the number of Officers on the Establishment of Regiments." The first establishment he would advert to was Chelsea Hospital. So long as twenty years ago, a Board of Military Commissioners censured the appointment to offices in hospitals of men who had neither gained a title to those appointments by their sufferings nor their services. Some of these appointments were valuable, and there were among those appointed to such offices, valets, grooms, and others, whose only recommendation appeared to be the favour of their masters. The matter which was so long since the object of the censure of these Military Commissioners had not yet been corrected, and the system now continued as much as ever the subject of abuse. Some of these appointments were valuable, and many of them were of such a nature that they could be as well filled by the persons entitled to become inmates of the hospital, as those who hold the offices. Among them were agents, comptrollers, stewards, butlers, master cooks, ushers, bakers, butchers, and wardrobe keepers; all of whom had previously been valets, grooms, gamekeepers, coachmen, militia officers, editors of newspapers, and political adherents of certain noble Lords or right hon. Gentlemen. Not one of these appointments should be given to a man who had not seen military service; but among them were persons whose only recommendation had been, having been servants of persons connected with the Pay-office. He believed that the salaries of these persons amounted to nearly 3,000*l.* a-year. In addition, however, to these salaries, it must be recollected, that all those persons had apartments in the hospital. One person connected in this way with the hospital held a place with a salary of 278*l.* a-year; with a retiring salary from another office of 500*l.* The alteration which he trusted would now take place might save the public some money, but at all events it would have the effect of providing for worthy objects, instead of enriching those who had no claim to the public bounty. The next item of expenditure to which he wished to direct the attention of the House was that of the Chelsea and Kilmainham Hospitals. At these hospitals 787 pensioners were maintained at an expense of 35,000*l.* a-year, or 3*s.* 6*d.* a-day—a sum equal to three times the amount they received when on active service and in full efficiency. He was sure, that a great part of this expense might be saved if the men were allowed to live in their own villages, and in that case he believed that many of them would be content with a third of what they now received. By that course, too, the expense of forty or fifty clerks, whose charges amounted to between 5,000*l.* and 6,000*l.* a-year, might also be saved. In addition to these, which might be called the ordinary expenses of the establishments, he found the average number of sixty or seventy of these pensioners was to be found annually on the sick list, at an additional expense of 2,447*l.* a-year. A third item of expense connected with these places, was the salaries of the Governors. One of these gentlemen, he knew, was most fully entitled to all that he received from the country. He would take it for granted that the other was equally well-entitled; still he must say, that the reduction ought to take place with regard to him, for he held four or five other offices. The saving that might thus be effected would amount to about 10,000*l.* a-year. The next item was the establishment called the Military Asylum and Hibernian Military School. His objection to those establishments was chiefly on account of the expensiveness of the staff. Considering these as recruiting establishments, it would be found, that each recruit obtained from them cost the country 300*l.* by the first, and, by the latter, 530*l.* He was aware that they ought chiefly to be considered as charitable institutions, but the object to be obtained by them might be gained with infinitely less cost. From the very large staff at these places, it would appear that they were more like a job than anything else. He believed, that the object of that establishment might be just as well obtained by making an allowance to each of the corps of the army for the same number of children, and that thus the expense of the staff might be spared, and a sum of 13,000*l.* a-year saved, besides a building and grounds of the value of 150,000*l.* The next item was the Waggon Train, which, in his opinion, was a complete excrescence that might be fairly and advantageously got rid of. The Waggon Train, he believed, had been found of very little advantage during the war; since the peace, it had been of none whatever, though it had cost the country upwards of 200,000*l.* It was useless to refer to the example of France on this subject, for France might be called on to arm at a moment, and a powerful means of transport was of course required in that country. But with us it was different. Our ships were our means of transport, and, he believed, that for most of the purposes for which a four-horse waggon train was required, some of the carts recently invented by Mr. Cherry, attached to each corps, would be found sufficient. This cart had been approved of by military and naval officers, as well as scientific men. The Commander-in-chief lately presented such a cart to the county of Salop Infirmary, as they are particularly well adapted for the removal of sick persons. If this cart were adopted, no establishment would be necessary, and 5,000*l.* a-year would be saved, besides the expense of the Croydon barracks. He knew that the opinion of the right. hon. Gentleman below him was in favour of keeping up this branch of the service, but it appeared to him, that no case could be made out to justify it. The next item was the Irish Yeomanry, whose existence he considered more hostile, than favourable, to the continuance of peace in that country. He should recommend their total abolition. If that recommendation were adopted, a saving of 15,000*l.* a-year might be made to the country. Then came the English Yeomanry; with respect to them, he should recommend that no further allowance should be made to them by the Government than was made to the National Guards of France by their Government. There were 1,200,000 of those National Guards, who received no other emoluments than their arms and accoutrements. Surely the English Yeomanry were not inferior to them in patriotism. If this were done, there would be a saving of 65,000*l.* a-year. The Militia Staff was the next item of account, and that item he thought might be reduced at least one-half. A saving of 19,200*l.* a-year might be effected on the Militia, and a saving of 7,600*l.* on the Militia Staff, making together nearly 27,000*l.* a-year. Then there came the Reserves. There were fifty-one Reserves, at 2,000*l.* a-year for each. A considerable number of these might be reduced, and a great saving thus effected. The next item was the Recruiting Establishments. He should propose to abolish all these, except those of London and Dublin. These might remain as central establishments, and the recruiting might be carried on in the same manner as before the other establishments were formed. The central establishments should have the care, and the general superintendence of the recruiting department. The difficulty in doing what he now proposed was, as to the primary examination of the recruits. He thought, however, that that difficulty might be easily obviated, and a saving thus effected of 18,000*l.* a-year The next item was the manufacture of stores, the making of canals and fortifications in the colonies and elsewhere, abroad. The Finance Committee had, more than once, reported against this head of expenditure, but he found that its opinions had been but little regarded. In the course of the last war no less than 15,000,000*l.* had been laid out in fortifications alone, and before most of these not an enemy had ever appeared. Canada, too, had had a large expense incurred for canals and fortifications. Between Canada and the United States there was a very weak line of defence. A sum of 2,000,000*l.* had been laid out on these fortifications, but there was yet a line of frontier of above 500 miles in length left utterly unprovided for. The fact was, that the only defence we could rely on in Canada was to be found in the attachment of its people. Its line of fortifications was the weakest in the world, and would not afford us the slightest defence. A sum of 45,000*l.* had lately been voted on this account for Canada. He understood that only about 5,000*l.* of that money had been expended, and the works were now suspended. If his recommendation had any effect, they would be altogether dropped, and the whole of the rest of the money would be saved. The saving, however, would be still greater; for it had already been intimated that a sum of 180,000*l.* would be wanted to complete the works now begun. Every farthing of that expenditure might be saved, and our security would be improved, if we looked to the affection and loyalty of the Canadians alone for our defence in that part of the world. The governments of Ceylon and the Mauritius might also be rendered less expensive, and the commerce of each would be materially benefited, if both were put under one government. The next item was the Foreign Half-pay. He knew that this was at present granted in virtue of an Act of Parliament; but he thought that that Act ought, at least with respect to a very considerable number of persons, to be repealed; for they were at this moment paid by the different governments of the different countries to which they belonged, as effective functionaries. It should be recollected, too, that, with a great number of them, the services for which they now received this half-pay were services rendered as much to their native countries as to England, although, at the time, the armies of those countries were paid by England. By their services, their own monarchs had been assisted in getting back to their thrones; and it was for those monarchs to recognise, and pay for, those services. If this item were reduced, there would be a saving of 100,000*l.* a-year. The next item was the Regiments of Guards. In this he included both Horse and Foot Guards. They cost 60,000*l.* a-year more than a similar number of the troops of the line; and he thought he was hardly proposing too much when he recommended that 10,000*l.* a-year of that excess should be saved. He believed, indeed, that Parliament might justly go much further than this, and say that, with respect to pay at least, they should be put on the same footing as the rest of the troops. If they received additional rank, which they now enjoyed, and were still exempted, as at present, from duty in the colonies, and were generally, as at present, kept in or near the metropolis, these advantages, together with the honour of being considered privileged troops, would surely be sufficient, without this great increase of expenditure. He might add his opinion, that in no way whatever, were these troops on the same footing with the rest, and that the right hon. Baronet had less control over them than over the rest of the army. He thought this should be remedied. The last subject to which he should refer was the reduction of the number of the officers of the army. In his opinion, the army was now unnecessarily crowded with officers, by which the expense of the army was very much increased. He had considered the subject, and he believed, that one Major would be enough for a battalion, in which, too, might be reduced one Captain and four subaltern officers. The present large number of superior officers was much connected, he was certain, with another subject that had lately occupied a good deal of attention—he meant that of corporal punishment. It was in consequence of that degrading species of punishment that they could not get respectable young men to enter as recruits; and that again prevented them from raising subaltern officers from the ranks, and afterwards promoting subalterns to be superior officers. Napoleon had remarked this among the four faults in our military system, and had assigned it a chief place in the list of those faults. He trusted, that Parliament would do what it could to remedy that fault, and then the alteration he had proposed could be more effectually carried into execution. In his opinion there might then be eight companies instead of ten to a battalion, and by the reduction of these, and of the seven officers he had already mentioned, a very large item would be saved in the public expenditure. The third Resolution which he intended to propose was, "That it appears to this House expedient that the forces at Malta, New South Wales, and Nova Scotia, and Bermuda, should be reduced to the same effective strength at which they were on the 25th of January, 1825." It appeared to him that it was quite unnecessary to keep up large garrisons in those colonies; and, at any rate, there could not be any reasons for keeping a larger force in them than there was previous to 1825. If this plan were adopted, 2,928 men might be reduced, which would relieve the country to the extent of 100,000*l.* a-year. Again; suppose one

English battalion were substituted for the two West-India regiments, which would be far more effective, and would occasion a reduction of between 20,000*l.* and 30,000*l.* The West-India regiments were quartered at Barbadoes, the Bahamas, and Bermuda, and they performed, in point of fact, the duty of police. In his opinion, the police duties connected with the system of slavery ought to be executed by a militia of planters, and not by the soldiers of the regular service. Even in time of war it would not be necessary to keep up large garrisons in our colonies, for the chief defence of these islands and their best guards, were ships of war. In the case of Malta, in particular, it was nothing more or less than a shameful waste of money, to keep up such a large garrison there. The place was of such great strength, that a comparatively small force might easily defend it against a large army. When Napoleon took this island in his way to Egypt, it was garrisoned by a small Maltese battalion, and yet that distinguished general did not venture to attack it, although he had with him a large fleet, and an army of 20,000 men. He obtained possession of it by negotiation, and his chief engineer, Cafferelli, remarked, "It was well that we found some one within, to open the gates for us." The fourth Resolution was this—"That, in the opinion of this House, it is expedient that the forces at home be reduced to the same effective strength at which they were on the twenty-fifth of January, 1831." He was at a loss to conceive on what grounds his Majesty's Ministers could keep up a larger force than there was when they came into office. He trusted, that the Government would see the propriety of reducing the forces, by at least 9,000 men. The effective forces at home, in January, 1831, were 36,140, rank and file; in January, 1832, 45,160; making a difference of 9,020 men. At present, the forces at home amounted to nearly 200,000 men; for instance, the regular army, including officers and non-commissioned officers, rank and file, were 51,571; artillery, 4,589; marines on shore, 4,324; militia staff, 2,697; military police of Ireland, 7,367; coast-guard, 2,000; making 72,548. Again, the disembodied militia of Great Britain was 53,000; and, of Ireland, 19,000; volunteers of Great Britain, 20,399; yeomanry of Ireland, 31,422; making a total of 196,369. That was an available armed force of nearly 200,000 men, and, of which, 120,000 were actually embodied. Of these, he proposed to reduce only 9,000 regulars, and 31,000 Irish yeomanry, or to the state in which the army was in 1831. When the present Government came into office, the army in Ireland amounted to only 16,000 men; in the beginning of this year, it was increased to 20,000; and it was intended, he understood, to send thither a large additional force. This was most impolitic, as it was clear that an army would not tranquillize the people. If the army had remained on the same footing on which it was when the present Ministers came into office, the country would have saved nearly 400,000*l.* Besides these resolutions, he intended to move for some returns. He wished, in the first place, to have a return of the number of officers of each rank, belonging to the effective strength of the army, who were Members of the Commons House of Parliament; for the great number of regimental officers in the House on full pay was an additional proof that there were more officers in the army than were required. It was his intention to propose, next Session, that all officers, Members of the House, should be placed on half-pay. He also wished to have a return of the officers in command of all regiments abroad and at home, distinguishing the dates of their separate commissions, the periods of their foreign service; specifying colonial, or in the field, whether wounded, receiving any pension, or possessing any public testimonials of good conduct, in action or in the field; also specifying the ranks to which promoted by purchase. Undoubtedly there was a great number of regiments commanded by officers who had seen a great deal of service; but there were many regiments commanded by officers who had never been in active service. He was prepared to admit, that many of the latter were most efficient officers, and, if an opportunity were offered, they would, no doubt, distinguish themselves; but, certainly, a preference should always be given to those officers who had seen service. He had no desire to throw the slightest blame upon the officers, at the head of the army. If he were to select two officers for the situations of Commander-in-chief and Adjutant Secretary, he could not select two more worthy than Lord Hill and Lord Fitzroy Somerset. He had no doubt, officered as the army at present was, that it might be in a high state of discipline, but it was enormously expensive, and it was the duty of the House to see whether or not these expenses could be reduced. Whatever, too, might be the effect of the plan, at present, the result of conferring promotion for any thing but merit and service, would be to damp exertion and turn the attention of officers to the indirect means of promotion. Their energies would be engaged to obtain influence not to learn their military duties, and we should be reduced to the same state as Sir Robert Walpole found the army in his time. This Minister, having been pressed to declare war, called for an army list; and having looked over the names of the general officers, remarked that he did not know what effect those gentlemen might have on the enemy; but they entirely frightened him. It was true, that many of the continental states kept up armies beyond their pecuniary means; but the way in which they accomplished that was, by observing the strictest economy in details. In considering this Motion, he had turned over in his mind such arguments as might be adduced against it. As to a foreign war, he thought that there was not the least ground for apprehending any such thing; and if one should arise, contrary to all human probability, it would most likely be a maritime war, in which our army could be of no service. If it was to preserve peace at home that it was supposed to be necessary to keep on foot the present large force, then Ireland alone must be the cause of the Government's incurring so great an expense. He hoped that would not prove to be the case; and he trusted that the House and the Administration were, before this, convinced that it was impossible to govern Ireland by the cannon and the bayonet. The hon. and gallant Officer concluded by moving the series of Resolutions which he had read to the House.

Sir *John Hobhouse* observed upon the thinness of the House (about fifteen Members were present), and was of opinion that the dog-days hardly formed a fit season for going through the Army Estimates; but the gallant Colonel had not only gone through them with resolution, but he had embraced the Ordnance Estimates, the Colonial Department, and topics, upon even one-fifth part of which he despaired of being able to enter in the course of one night's debate. He could not imagine that the saving to be effected would be so great as had been represented by the hon. and gallant Officer. In reference to the system of recruiting, he must observe, that it had formerly been considered as good; such, also, was the case with regard to the system of dépôt reserves. Touching the Ordnance Stores, &c., he must in fairness say, that that involved so many topics, and was a subject of such vast extent, that it could only be taken into consideration in the shape of a night's debate. The hon. and gallant Officer, too, had spoken with reference to our military establishments at Ceylon and the Mauritius, and had asked, why the East-India Company did not pay the expenses. But, even supposing that the East-India Company were to pay for those establishments in Ceylon, for instance, did his hon. and gallant friend suppose that they, in return, would not make the merchants and traders repay them in some shape or other? Then, as to the half-pay allowed to persons in foreign service, he was not aware that, except in Hanover, any person received half-pay while performing military duty elsewhere. At the same time he believed, that some improvement might be made under this head. All that could be done at the War Office was then doing at the War Office to promote the commutation of half-pay. With regard to the expense of the household troops, as compared with those of the line, his hon. friend appeared to have fallen into some error, for the difference of expense between them was very trifling. An objection had been raised as to the force kept up in some of our colonies. True it was, as had been stated, that at Malta there were now more troops than formerly, but at the Cape of Good Hope the number had been materially diminished. So in Bermuda and other colonies the case was the same. This, however, was a matter for the Government to settle, and so was that of the reduction of the staff; though in the latter case, he must observe that if the increase was justified in 1831, no circumstances had occurred to warrant an alteration in the system. Again, it had been urged, that our military force in Ireland was too large. Now, he must declare that he was at a loss to discover what was the difference of the situation of Ireland from that in which it was placed in the year 1831 which could possibly justify the Government in diminishing our military establishment there. He would not object to the first and third Resolutions, but looking to that which called for the date of the commissions granted to officers, whether they had received any public testimonial of good conduct, &c., stating the ranks to which they purchased, and the length of their service, he saw great difficulty in acceding to it; for in 1826, a similar return had been moved for, and the answer they obtained was, that it was impossible to get at the length of service. Then, as regarded the officers of the army, and the complaint made by the hon. and gallant Member, he begged to state that he had been informed that, were we to go to war to-morrow, a better disciplined, or a better officered, army never could be brought into the field; such was their present condition. True it was, that in some instances officers of distinguished merit did not receive that promotion to which they were entitled, because, in the great struggle for promotion, some must go behind. But, upon the whole, he believed the system worked as fairly and as well as any could which should secure first-rate talent. On the other hand, many cases did occur in which officers of merit, without any great interest, rose in the army to the highest ranks; and, as an instance of this, he would quote the hon. and gallant Member himself, whose merits and services were known and justly appreciated. He held in his hand the date of that hon. Member's commissions, by which it appeared that he had risen from the rank of Lieutenant to Lieutenant-Colonel in the space of five months, in the midst of great services; and he had been in the army eight years and three months. The right hon. Baronet concluded by saying that, looking to all the circumstances of the case, he thought it best to move the previous question; but, in doing so, he must protest against its being considered that his Majesty's Government were not disposed to effect every possible reduction.

Mr. *Hume* could not agree with his gallant friend, in the praises which he had bestowed on Lord Hill and Lord Fitzroy Somerset; and he begged to ask his gallant friend, how the sounding the merits of these noble Lords agreed with what he had himself stated as to no old officer having been appointed to command any of the corps? In his (Mr. Hume's) opinion, that fact alone cast a most severe censure on the Commander-in-chief. Indeed, looking at the subject in a general point of view, he considered that the manner in which military patronage was exercised was highly detrimental to the service. It might be a mode very agreeable to those who were enabled by it to obtain rapid promotion, owing to their political connexions; but this undeniably was a narrow advantage, purchased at the expense of all the other officers who were not so fortunate in their influence. One of the points which his gallant friend had failed to notice, was the exceedingly heavy Staffs kept up at head-quarters—a thing utterly useless in itself, and one which formed one of the most extravagant items in the whole expenditure of the army. But the great complaint, in his opinion, was, that they had too long been acting upon the old military system. What he wanted to see was, the whole military expenditure of the country put under the control of the Secretary-at-War, and the Commander-in-chief only acting as the executive authority for carrying the details into effect. Unfortunately, however, the Commander-in-chief had engrossed all the power; and he believed that the Secretary-at-War was not able to do a single thing without consulting him. This he took for granted, from the whole tenour of his right hon. friend's speech, which seemed to imply that Lord Hill was his master, and that he only came down to the House of Commons to state what that noble Lord was willing to comply with. By a document which was yesterday laid on the Table of the House, it appeared that the expenditure of the country amounted to upwards of 1,200,000*l.* above the income, so that now, in the eighteenth year of peace, like other spendthrifts, we were exceeding our receipts by that enormous amount. The annual expense of the Army was 7,500,000*l.*; the annual expense of the Ordnance was 1,500,000*l.*; which, together, made a total of 9,000,000*l.* in outlay for the support of our standing army. He wished that his gallant friend had pointed this out, for then he would have been the better entitled to ask, whether it was consistent that such an expenditure should be allowed to continue? If the Ministers had only just entered office, there might be some apology for no diminution having taken place; but this was now their second year of office, and instead of a diminution, there had been somewhat of an increase in the expenses of the military establishment of the country. With respect to Chelsea Hospital, he thought that a great saving might be effected in that establishment. With regard to the Military Asylum and the Hibernian School, he had no hesitation in saying, that both these institutions ought to be put down. It might be thought harsh not to receive soldiers children, and perhaps it might be so; but, at all events, if they were to be received, it ought to be in a very different manner. The proper persons to take care of children were nurses and schoolmasters, and not General Officers and a complete Staff, as it were, as if these children formed an army of themselves; in addition to which, he thought that something less than a palace was sufficient for the residence of these children, though he really believed that the King himself had not such a splendid dwelling as that which they occupied. This subject had been very fully discussed in a previous Session, and if his advice had been taken, instead of keeping up distinct establishments at Southampton, Chelsea, and Dublin, he would have them all consolidated at one place, and so get rid of the triple corps of officers, who were altogether useless, and had nothing to do with the charity, which was the real object of these establishments. With respect to his gallant friend's proposition concerning these children, he trusted that it would not be adopted. His gallant friend's plan seemed to be, that a sum of money should be allowed to the regiments and the children kept with those regiments; but in the event of their having to take the field, he imagined that it would be found that these children would prove a very great encumbrance, and, in fact, form a complete clog to the motions of the men. There were other parts of the Motion of his gallant friend which he deemed well worthy of attention; and with respect to the question of Ireland, which had been touched upon, he would just observe, that the real way of governing Ireland was not by sending an army of 35,000 men into that country to overrun it, but by giving the people just and equitable laws, by means of which the Government would find itself enabled in a very short time to reduce the army there to 8,000, which was the number at the commencement of the French war, or even still lower. It was in vain for the Government to talk of the expense of maintaining a force for the service of Ireland of the great amount now stationed in that country. Let Ireland be equitably ruled, and the necessity for keeping a large military force there would disappear. He fully concurred with his hon. friend in thinking that the present mode in which the army was managed must have the effect of deteriorating its moral character. There was no man of good moral character who would not hesitate a long time before he engaged in a service in which by possibility it might be his lot to be subjected to corporal punishment. For all these reasons the Motion of his hon. and gallant friend should have his most cordial support; for he thought, that with a deficient revenue, and so large a military establishment, the House was called upon to offer an opinion upon the propriety of effecting a considerable reduction.

Lord *Althorp* was sure that the hon. and gallant Member who introduced this subject, as well as his hon. friend who last addressed the House, had no expectation that any of the reductions they proposed could be carried into effect in the present Session. He must say, that his right hon. friend (Sir John Hobhouse) was not well treated by his hon. friend who last addressed the House. His hon. friend had gone into a variety of details, in some of which he might be right, and in some wrong, but because his right hon. friend near him was not prepared at that moment to enter into those details or to adopt them, his hon. friend, the member for Middlesex, held him up as being opposed to all economical Reform. This surely was not acting fairly. His hon. friend, and the hon. and gallant Officer, talked of the army in England being 65,000 men. He did not know where they obtained that amount, but the Returns before the House did not make them more than 26,000, and even taking the Marines and the Militia, which were not all embodied, they would not amount to the number the two hon. Members had stated. Every one who considered the circumstances of the country would admit the necessity of a large military force being kept up in the United Kingdom. Whatever was the cause of the discontent in Ireland, into which he would not enter, the necessity of maintaining a large military establishment in that country must be admitted. Objections had been made some time ago to the employment of the Yeomanry in that country instead of the regular troops. He was disposed to concur in those objections, but now, when the number of the regular force was increased, a complaint was made of the increase. He would agree with his hon. friend, that the best way would be, if possible, to remove the cause of discontent in Ireland; but while it was in its present state, the presence of a large military force was the only way to protect the public, and to guard against violence. He meant not to follow the gallant Officer through all his details, which, in his opinion, had been satisfactorily answered by his right hon. friend. It would be useless to proceed with a discussion on these various topics, unless the House had the necessary information before it. He conceived that it was not quite fair to Ministers when the gallant Officer came forward with a series of subjects, involving different matters of charge, to which it was impossible fully to reply, unless a variety of details were entered into, for which the House was not prepared. In fact, the Motion, as it had been brought forward, involved questions that related to every department of the Government. It was said, that individuals connected with different branches of the Government ought to have been present to answer the charges which had been made. But, from the very general terms of the Motion, such was its vagueness and want of precision, that it did appear to him that no blame could fairly be attached to his colleagues, if they were led to believe, as they had been, that they would not be called on for their defence. The gallant Officer had particularly alluded to the subject of unattached commissions; but, with respect to them, his right hon. friend had followed the course pursued by the right hon. member for the Queen's County, and other hon. Gentlemen who had preceded him in office. With respect to the amount of forces in England, he did not think that any Gentleman, looking to the present state of the country, could wish to see that amount greatly reduced. He hoped and trusted, however, that hereafter Ministers would be enabled to reduce the numbers of the army. He was satisfied that they would speedily arrive at a state of harmony and content, when they might with perfect safety reduce their military force; but he did not think that it would be prudent at that moment to reduce the existing means of security. He cordially agreed in the proposition that it was the duty of Government to reduce the expenditure in every department; and the present Ministers were determined to do so to the utmost of their power. The circumstances in which they were placed when they first came into office, rendered it necessary for them to add something to the military force. They could not possibly avoid it. The hon. member for Middlesex had said, why not trust to the people of England, instead of keeping up a great military establishment? Did the hon. Member recollect the situation in which the country was placed when the Ministers came into office? At that time the burning of barns, and the destruction of property, were general throughout the country. As to the subject of Canada, he would not then enter into it. He very well knew, that if the people of Canada wished to shake off their connexion with this country, it could not be prevented. But, if the inhabitants of Canada were anxious to continue the connexion, then it was only right that we should give them the means of defending themselves. He believed that much unnecessary expense had been incurred with respect to Canada, but he conceived that it would be bad policy now not to complete that which had been so far carried towards completion. In laying before the House to-morrow the Estimates for the current year, he thought he should be able to show, that the finances of the country were not in so bad a state as many gentlemen seemed to suppose. Ministers were most anxious to effect a reduction of expenditure; and he could assure the House that many of the establishments which had been that night introduced, had already been looked into by them. Although they found it necessary to move the previous question on this occasion, still he could safely assert, that they were anxiously investigating every point connected with the expenditure of the country, and that expenditure they were determined to reduce so far as it could be done with advantage to the general interest of the empire.

Sir *George Murray* said, when he saw the notice of Motion given by the hon. and gallant officer, his curiosity was a little excited, and he attended in his place, expecting to hear some useful information communicated, or some valuable details brought forward, from which a practical conclusion might be drawn. But since he had the honour of a seat in that House, he never was present at any discussion less likely to lead to a useful result. The hon. and gallant officer had embraced in his Motion such a vast variety of topics, each in itself highly important, that it was impossible any practical benefit could result from it. There was no department of Government which the range of his Motion did not take in, so that the presence of almost every member of the Cabinet would be necessary to discuss it properly. Not content with this, the member for Middlesex introduced, besides, the Church of Ireland. With respect to the total amount of force, he should not enter into that question. It was a point for the consideration of Government only, for they alone could have the means of judging, from internal and external circumstances, what was the amount of force necessary. He agreed it was unfortunate to be under the necessity of keeping up a large military establishment, as the gallant officer and the member for Middlesex said, to coerce the people. He would be as ready as any person to reduce the army when he saw that it could be done with safety to the country. The hon. and gallant Officer alluded to the National Guards of France, who, he said, received nothing from Government but their accoutrements, and asked why the Yeomanry of England should not, when required, serve their country upon the same terms. Was the gallant Officer aware what the charge of accoutrements for 1,200,000 National Guards was? He would find that it far, very far exceeded the Yeomanry charge here; and, besides the National Guards, it should be recollected that France had a regular force of between 400,000 and 500,000 men. The opinion expressed by Napoleon of the British army was referred to. He should not have been surprised to have heard this from the member for Middlesex, but he must confess that he felt some surprise at hearing it from a British officer, who he must suppose was acquainted with the subject. The first objection made by Napoleon to the constitution of the British army was, that it was recruited by money. Would the gallant officer introduce into this country the principle of conscription by which the French ranks were filled, a principle which produced civil war in every department of France, and filled the forests of that country with persons who took refuge there to avoid being forced to serve in the army? The second objection of Napoleon was, that we filled our ranks by emptying the gaols of the country. Now, in the first place, this was not the fact, and, even admitting that it was so, a British officer ought to be disposed rather to veil than to publish it. But it was not the truth, because the British army was recruited from the Militia, who made most excellent soldiers, and were men of good character. Napoleon's third observation was, that we had no good non-commissioned officers. There were not in the world better or more efficient non-commissioned officers than those of the British army, and of this the hon. and gallant Officer must be convinced from his own experience. The member for Middlesex and the gallant Officer complained that there was not sufficient encouragement in the way of promotion from the ranks. He must deny that, in time of war, there was any ground for complaint upon this head. In his regiment, at the beginning of the war, not less than forty persons from the ranks obtained commissions in the space of four or five years. These were things which of course could not occur every day, nor frequently, in time of peace, but when war broke out, they were by no means uncommon. The fact was, Napoleon had not any practical knowledge of a British army until a recent period, and till then he had been in the habit of publishing to Europe his abuse and contemptuous opinion of it. He had met in the field all the other armies of Europe, but he knew nothing of a British army till he met it at Waterloo, and then he learned what was the valour and discipline of British troops, and what the talents of a British general. It was objected that our army had too many officers. It should be recollected that there was no army so much broken up into small detachments as the army of this country. Circumstances required that small detachments should be sent on a variety of service. It was necessary that these detachments should have each an officer; otherwise it was not to be expected that the duty, which was frequently of great importance, could be performed in a satisfactory way, and the necessary discipline maintained. He was glad to hear so just and well merited a tribute of praise bestowed by the hon. and gallant officer upon the present Commander-in-chief. No man was better entitled to it than Lord Hill, whether from his services or his private character. It was impossible that any man could discharge the important duties intrusted to him with more diligence or more impartiality. He was sorry the member for Hertford was not present, for he could inform the House how the affairs of the army were managed when Lord Amherst was Commander-in-chief, and what jobs were then going forward. Before the commencement of the late war it was quite impossible the British army could be an effective one. There was then no Commander-in-chief, and the consequence was, that, when sent upon service, at the opening of the war, it was in a most inefficient state. Each company consisted of only thirty-five men, and there were no artillery drivers. The gallant Officer was for doing away with the corps of artillery drivers during peace, for, said he, in time of war there would be no difficulty in procuring drivers. It was true they might get drivers, but, unless they were regularly trained and previously disciplined, the first thing they would do on going into action would be, to run away and take the horses with them. If it should become necessary in Ireland to call a force into the field, it would be found very inconvenient to be without a waggon train. In reference to Chelsea and Kilmainham, the gallant Officer said these establishments might be dispensed with, and a considerable saving effected; that the pensioners would prefer being at liberty and living with their friends, at an allowance of a shilling a day, not a third of what these establishments cost the public. It was true some might prefer living with their friends, but it should be recollected there were many who had no friends, who returned home maimed or disabled after long service in a foreign climate, forgotten by friends, or who perhaps had none living. It would be unbecoming the dignity and humanity of this great country to have no establishment in which persons thus situated could find shelter. The hon. and gallant Officer recommended that the Kilmainham establishment might be merged in that of Chelsea. It should be recollected, however, that a large proportion of their army was Irish, who would naturally wish to retire to their native country, and find an asylum where they would have an opportunity of seeing their friends and relations. The Hibernian Military School, which it was proposed to suppress, originated in private benevolence. It was at first supported by private subscription, contributed by persons who saw and pitied the destitute situation in which the children of soldiers were sometimes left when a regiment was called upon foreign service. It was of course desirable to have as few children as possible with an army, but there must be some, and when the father was killed in battle, or died in the service, surely it would be most unjust and inhuman to leave the orphans without any protection whatever. He therefore contended that the Asylum ought to be maintained. Then the hon. member for Middlesex had charged the Secretary at War, with being a mere servant to the Commander-in-chief. That was a most unjust charge. He was satisfied that the office of Secretary at War was so constituted that it gave the person holding it an efficient and real control over the expenditure of the army. The present Secretary for Foreign Affairs had been Secretary at War for twenty years, and he was sorry that noble Lord was not in his place to answer the charge of the hon. Member. As to our foreign garrisons, the necessity of maintaining them was too apparent to need any advocacy from him, and he could not at all agree with the gallant officer (Colonel Evans) in thinking that even a strong position like Malta required no garrison. He even considered the instance quoted as a most unfortunate one. A fort was given up to the enemy because it was not garrisoned, said the hon, and gallant Member; then surely that was a reason why the forts should be garrisoned. He had troubled the House in consequence of the remarks made respecting the British army, and he had to apologize for the intrusion. A great reduction in the army had been called for in consequence of the passing of the Reform Bill. He should be glad to find that that measure effected any benefit that could be fairly expected from it, but he certainly could not hope that the country would be preserved without an army. He did not profess to have so much confidence in his Majesty's Ministers as the hon. member for Middlesex had, but still he believed they would make all practicable reductions.

Sir *Henry Parnell* said, he was ready to support the different reductions which the hon. and gallant Officer proposed. Some of them, he must observe, did not go so far as he himself intended to push them. He admitted the great merit of several Commanders-in-chief; but, in his opinion, they had too much control over the financial department of the army, and from that control, he conceived, the Secretary at War ought to be relieved. Notwithstanding what had been said as to the variety of topics that had been introduced in the course of this discussion, he thought that the country was greatly indebted to the hon. and gallant Officer for bringing forward this Motion.

Sir *Adolphus Dalrymple* said, it was evident to him that this Motion was introduced for the purpose of going over the Army Estimates for the fourth time. They had already been debated twice in Committee, and twice on bringing up the Report. During the three first speeches on this occasion, the House might, at any moment, have been counted out, which proved that the discussion had not attracted a great deal of attention. Out of 658 Members, not 40 were present for a considerable portion of the evening. The hon. member for Middlesex had made one of the most unfounded attacks he had ever heard on the Commander-in-chief, when he asserted that the noble lord had disposed of commissions for party purposes. It would have been well if the hon Member had "tabled" his facts before he ventured on such an assertion.

Mr. *Courtenay* said, he wished to observe, in answer to the statement of the hon. Member for Middlesex, who had asserted that few of the commanders of regiments had ever seen service, that he had looked over the army list, and, out of the colonels of ninety-seven regiments, he found no fewer than forty-seven who were decorated with the Cross of the Bath, or some other similar honour, and who, therefore, it was evident, must have been in active service. At the same time, it must be evident, that, after seventeen years' peace, there must be a great number of officers who had not attained any high rank at the close of the war, as well as some who had not then entered the service.

Captain *Boldero* was of opinion, that, in the present state of the country, great reductions must be effected. In the event of a war, we must depend on our navy. Our debt would not allow us to send an army of 50,000 or 60,000 men to the Continent. It would never again be our policy to appear as a great military power in Europe. He thought that the Militia might safely be dispensed with. Their services were never available on any great emergency, such as the riots at Bristol. He was of opinion that the recruiting departments might be placed upon a better footing. In many other points, reductions could safely be effected. In some of the colonies he had seen sentinels placed over guns, each of which would have required twenty men to move it. In other places sentinels were placed to guard fortresses where half a dozen of the bastions were in ruins, to prevent people from scratching their names on the walls.

Mr. *Sheil* expressed a hope that the Hibernian Schools would not be abolished. A right hon. and gallant Member had said, that he could not perceive the connexion which exisisted between the present question and the Church Establishment of Ireland. He thought it must be evident to any man who considered the subject, that we were obliged to maintain a large force in Ireland, in consequence of the state of public feeling arising out of the Church Establishment of that country. We had now in Ireland an army of 30,000 men, a Yeomanry force of the same amount, and 5,000 or 6,000 police. Thus the Church Establishment of Ireland, besides possessing immense revenues of its own, cost this country a large sum of money for its maintenance. Let the people of England bear this fact in mind. The Government themselves admitted that they were obliged to maintain a large force in Ireland in order to protect the Church Establishment. The argument used in favour of Catholic Emancipation was, that the settlement of the question would enable the Government to withdraw the army from Ireland. Those who used this argument thought that Emancipation was all that Ireland required; but the Catholics always said, that much was wanting besides Emancipation. However, let the people of England be aware, that soldiers were necessary to support priests, and that a great sacerdotal establishment must be maintained by a large military one, and that the people paid for all. The crosier must be sustained by the bayonet, and in order to keep twenty-four mitres, many thousand casques and helmets must be paid for!

Lord *Althorp* said, that he was one of those who employed the argument, that the settlement of the Catholic question would enable the Government to reduce the military force in Ireland, and he was very sorry to say, that he had been mistaken.

Colonel *Evans*, in reply, said that he differed from the right hon. and gallant Gentleman, for he thought it was his duty to remove the veil from our military defects, not draw it more closely over them. He had done his duty in making the Motion; that it was not likely to be successful he regretted. He had brought it forward then because, owing to peculiar circumstances, the Army Estimates had not been sufficiently discussed.

Question put upon the previous question, and agreed to.—Some returns moved for by Colonel Evans, ordered.

BANK OF ENGLAND.] Mr. *Easthope* rose to move for certain Returns, with a view of showing how far the panic of 1826 was attributable to the system adopted by the Governor and Company of the Bank of England. He was of opinion, as the period when the Legislature were about to decide upon the Renewal of the Charter to the Bank was drawing nigh, that it was of the utmost importance to ascertain, by an examination of every circumstance which might in the remotest degree have reference to the system of banking, how far the parties seeking for the renewal were entitled to the confidence of the country. On the occurrence of the panic in 1825, the House might recollect, a great diversity of opinion as to the extent to which that unfortunate event was attributable to the Bank of England prevailed. It was stated at the time, by the Governor of that body, with a view to its exculpation, that in neither the years 1825 nor 1826 had there been any considerable increase or decrease in the amount of the currency sent into circulation, and that all the fault of the transaction was attributable to other causes, and principally to the country banks. In both Houses of Parliament the statement of the Governor was repeated by the supporters of the Bank, and was looked upon as affording for its conduct a complete justification. There were others, however, who did not hesitate to assert that the mismanagement of the Directors of the Bank of England was the main cause of that panic. On reference to the debates of that period, that opinion was expressed by Members who were always considered to be great authorities upon the subject, from their immediate connexion with commerce. Without troubling the House with a full list of those who supported that opinion, he would merely mention the hon. member for Thetford (Mr. Baring), Mr. Tierney, Lord Liverpool, and the then Chancellor of the Exchequer, now Lord Goderich. It was with a view of ascertaining the real state of the case that he proposed to move for such information, which, if produced, could not fail to have that effect. He thought it was of paramount importance clearly to understand what part the Bank had taken in the affair, for, according to that, the opinion of the Legislature ought to be guided as to the degree of trust which could fairly be reposed in the body. It was probable that it would be argued against his Motion, that Parliament ought not to pry into private concerns, but he denied that, at the present period, anything relating to the Bank ought to be private. The country was called upon to make a very serious and a very important decision as to the renewal of the Charter; and until that decision was made, the affairs of the Bank ought to be considered, in every sense of the word, public. It was also probable, his Motion might be met by a reference to the labours of the Secret Committee then sitting upon the subject of the Bank, but, as a very short period would elapse previous to the necessary decision of the question, he conceived the public mind ought to be enabled, by the possession of every information, to approach it with that degree of consideration which its importance so well merited. No person could say, that the Bank was not intimately connected with the interests of the country. Upon this point he would read some extracts, which expressed his opinions more powerfully than he could convey them to the House by his own words. On the 2nd of February, 1826, the present Lord Chancellor (then Mr. Brougham) expressed himself to the following effect: 'Much had been said upon the proceedings of the Bank of England during the 'late panic. Without wishing to throw 'blame upon the conduct of that body, 'he could not help expressing his conviction, that an end must come to that system which exerted so powerful an influence at present, not only upon the money 'market, but on the whole trade of the 'country. Some change ought to be 'effected, by which the interests of the 'whole empire, together with the fortunes 'of every family in it, should be drawn 'from the absolute control and direction 'of four and twenty men.'[*] The late Lord Liverpool also said: 'He did not 'mean to join in the reflection which the 'noble Baron had cast upon the Bank of 'England; but he was perfectly satisfied— 'and he had entertained the conviction 'for years—that the country had grown 'too large, that its concerns had become 'too extensive, to allow of the exclusive 'privilege of the Bank of England. The 'privilege of the Bank might have been 'highly useful in the early period of our 'commercial transactions; but the country 'was now too large for any one such exclusive establishment. The Bank of England's 'privilege operated in a most extraordinary, 'and, he thought, a most unfortunate 'manner for the country.'[†] Lord Goderich, then a Member of the House of Commons, expressed similar opinions[††]. From these extracts, and from many other passages which he could read, it was quite evident that the late Government had come to the determination not to make any application for the renewal of the present exclusive privileges of the Bank when they should expire. An impression had gone abroad that the present Government intended to propose the renewal of these privileges, but it would require very strong grounds indeed, to satisfy the people of England of the propriety of continuing the monopoly described by the late Lord Liverpool. He must again urge the reasonableness of laying before the House all the information that could possibly be given, while the inquiry was going on before the Committee, because it would necessarily sit but a very short time longer, and this was not a subject upon which a hasty and undigested opinion should be formed. If it could be shown that danger would result from the production of the information which he sought, he should be the last man to require it, but if not, the House ought to be put in possession of it. A strong feeling of the great importance of this subject had alone influenced him to press for the production of information. The hon. Member concluded by moving "That there be laid before this House an account of the amount of the promissory-notes, and bank-post bills, of the Governor and Company of the Bank of England, in circulation on the 1st day in each month, during the years 1824, 1825, and 1826;—of balances and deposits upon accounts; distinguishing those of the Government from those of private individuals, at the same period; of bullion, and gold and silver coin, of whatever description, held by the Bank of England; distinguishing the quality of the same, being the property of the Bank of England, and not belonging to other individuals, at the same periods;—of sums advanced to the Government by way of loan, or otherwise; setting forth the description of security held for the same, at the same periods;—of the amount of Government securities held by the Bank during the same period, and not included in the aforementioned Return, setting forth the description of the same;—of sums which the Bank of England were under advance by way of mortgage or security on land or other real property, or by way of any other description of loan, on the security of real property at the same periods;—of sums which the Bank of England were under advance to individuals on the security of funded property, Exchequer bills, or Indian bonds, at the same periods;—and, of the amount of bills of exchange held by the Bank of England under discount at the same periods."

Mr. Hume seconded the Motion.

On the Question being put,

Lord *Althorp* said, that his hon. friend (Mr. Easthope) had himself, in the beginning of his speech, anticipated an objection to his Motion, for which, in the course of his arguments he had not been able to suggest an answer. That objection was, that as there was at present a Secret Committee engaged in inquiring into the affairs of the Bank, and the whole question of the Renewal of the Charter, it would be most inconvenient to produce the papers which the hon. Gentleman asked for. But he was ready to admit, that if the Committee should eventually make a Report, without laying before the House all the information upon which they should have founded their decision, then those Returns might very properly be called for. He thought that his hon. friend was rather impatient for the production of those papers, as he must be aware, that the present Session could not close without some Report being made by the Committee. The hon. Gentleman had said, that the public ought to have time to weigh the reasons upon which any recommendation of the Committee might be founded, before the House should come to any definite measure upon that recommendation. Now, he (Lord Althorp) could not admit that the hon. Gentleman had a right to assume that it was not the intention of the Government to give the public ample time to consider the grounds of any resolution to which the Committee might come, before any steps should be taken in consequence of the Report. His hon. friend must be aware that it was the duty of the Committee to look back earlier than the panic of the year 1825; and that, of course, they would bring forward as much of the information which they might obtain in the course of that inquiry, as could be required for the satisfaction of the House and the public. He would also beg leave to say, that his hon. friend had no right to assume that the Committee would not see the necessity of producing only such parts of the information submitted to them, as could not be injurious to the interests of individuals. He did not feel himself at present called upon to discuss the question whether the Charter ought to be renewed or not. The Committee would have occasion, in a short time, to report to the House the progress of the inquiry, and he therefore thought that it was not too much to ask his hon. friend to have so much confidence in the Committee as to suppose, that, if they thought it safe to lay before the House the evidence for which he asked, they would do so. The hon. Gentleman seemed to think that another advantage would be derived from the production of those Returns, inasmuch as he supposed that they would support his view of the question respecting the renewal of the Bank Charter. Now, they might have that tendency, or they might not. He was not prepared at present to give an opinion whether they had or not; but he thought, in either case, that it was much more expedient that the whole of the evidence bearing upon that question should come before the House at once, than that it should be produced in parts and at intervals. But yet, if the Committee should not produce all the information necessary to enable the House and the public to judge correctly of their decision, then he would say, that it was the duty of his hon. friend, or of any other Gentleman, to move for any papers which he might think necessary for the further information of the House. He begged to assure his hon. friend, that his opposition to the Motion did not proceed from any unwillingness to give the most ample information. On the contrary, he was most desirous that the House should be made fully acquainted with every thing which might enable hon. Members to judge correctly of all the bearings of the question, and he was satisfied that, when the Report of the Committee should be laid on the Table, his hon. friend would have no right to complain of the insufficiency of the evidence. But at present he must oppose the production of the Returns moved for, as premature and inconvenient.

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[*] Hansard (new series) vol. xiv., p. 39.
[†] Ibid. p. 19. [††] Ibid. p. 51.

Mr. *Hume* thought, that the Motion ought to be complied with, and that the noble Lord (the Chancellor of the Exchequer) had said nothing to explain the inexpediency of granting the Returns. If, indeed, the noble Lord had said, that the information asked for was already before the Committee, or that it was intended to be submitted to them, then he (Mr. Hume) would say, that the Motion ought not to be persevered in at present. The information called for by his hon. friend was such as ought to be laid before the House from time to time; and every bank—much more a bank possessing so extensive a monopoly as that of the Bank of England—ought to be required to lay before Parliament, every six months, a similar account of its proceedings and condition. If he was to understand that those papers would be included in the Report of the Committee, he would not object to the Motion's being withdrawn for the present.

Mr. *Warburton* suggested, that the Motion should be withdrawn for the present, with the understanding that the production of the papers would not be refused, should the hon. Member (Mr. Easthope) feel it necessary to ask again for them.

Sir *Henry Parnell*, as a member of the Committee, expressed great doubts that it would be possible for the Committee to get through so much of the inquiry as would enable them to draw up a Report before the end of the present Session. He therefore was of opinion that the papers ought to be produced. A report had gone abroad, that the Government meant to renew the Bank Charter, which ought to be confirmed or contradicted as speedily as possible.

Mr. *Irving* said, that the inquiry, as far as it had proceeded, was prosecuted in as judicious a manner as, under the circumstances, could be expected. He believed that when the evidence came to be laid upon the Table of the House, the public would pronounce a similar opinion. With regard to the rumours and statements that had been published in the newspapers, much had been circulated that was erroneous; and the characters of these rumours and statements was, he thought, a compliment to every member of the Committee, for it showed that none of them had disclosed what had been laid before them. If the hon. Gentleman who brought forward the Motion conceived that the information to which he had adverted had not been called for in the course of inquiry, he would say that he was mistaken. He felt anxious to reply to some parts of the hon. Gentleman's speech, but the peculiar situation in which he stood must prevent him from doing so. He concurred with him in thinking that no subject ever came before the House that more immediately concerned the interests of the country than the one in question. The labours of the Committee would, he trusted, afford to the mercantile world satisfactory proof that they had pursued an equal and regular course, in order to procure the best information. Of what the Government might do, he was ignorant, but he understood that the public at large had no reason to apprehend any evil consequences from the inquiry.

Mr. *Courtenay* entirely concurred in what had been said by the noble Lord, the Chancellor of the Exchequer. He wished however to correct one remark of the hon. Member. He begged to ask the hon. Gentleman who had brought forward the Motion, whether he were right in understanding him to say, that the late Government had intimated a determination not to renew the Bank Charter?

Mr. *Easthope* said, that the words he had cited were used by Lord Goderich, who was a member of the late Administration.

Mr. *Courtenay* apprehended that the hon. Gentleman laboured under a mistake. Lord Goderich was a member of the present, and not of the late Administration. He could undertake to say, that the Government of the Duke of Wellington came to no such determination as the hon. Member alluded to.

Mr. Alderman *Thompson* had no doubt that, whatever might be the decision of the House respecting the Renewal of the Charter, the Bank of England would most readily acquiesce in it. With regard to the present Motion, he considered it ill-timed.

Sir *Matthew White Ridley* was of opinion, that it would be prejudicial to the public interests to grant the desired information in the present stage of the inquiry. He hoped his hon. friend would rest satisfied with having made known his intentions, and abstain from pressing his Motion.

Mr. *Easthope*, in reply, defended his Motion, and stated that it was to Lord Liverpool's Government he had referred on the point of refusing to renew the Charter. The words of Lord Goderich's communication were, that "there was no intention of extending the present period of their chartered rights.*" After the statement of the noble Lord he should not press his Motion to a division.

Mr. *Courtenay* did not affirm or deny anything about what Lord Goderich might have said, but only spoke of the late Government. He would observe, however, that he believed that Lord Goderich's speech, which had been referred to, alluded to a proposal made by the Bank, to give them at that period, a continuation of their Charter for ten years; but as the matter had nothing to do with his argument he had not entered into it.

Mr. *Easthope* would again say, that Lord Goderich's declaration was, that Government had decided not to recommend to Parliament the Renewal of the Bank Charter.

Motion negatived without a division.

DIOCESAN SCHOOLS (IRELAND).] Mr. *Wyse*, on rising to bring forward this Motion, said, that he had long looked for an opportunity of submitting to the House a plan for the advancement and improvement of the Education of the middle classes in Ireland. It was a portion of a more general project, the outline of which he had, on a former occasion, ventured to trace, beginning with the consideration of the elementary education, and ascending, through natural and just gradations, to the superior or university education of the country. Government had adopted the first portion of these views, and had, he trusted, permanently established a system, which, with a few alterations, to give greater efficacy and extension to its regulations, and the final solemn sanction of a legislative enactment, would fully vindicate to itself (what no system that had preceded it could claim) the character as well as name of a national education. They had now to proceed somewhat further, and having secured to the lower orders of the Irish people an unshackled participation in this first of human blessings, a good education, to open to the middle order in the State, what he was prepared to show was still more important, the springs of that knowledge which was best suited to their position and influence in the community. To arouse the Government and Legislature to a sense of this duty—to a due appreciation of its necessity and advantage—to originate something practical, and at least to begin what others, he was assured, were much better qualified to finish, was the object of the present Motion. He wished to lay the first stone of an improved system of education for the middle classes, and he should rejoice if others would from thence be induced to raise the superstructure. If, indeed, he had been allowed to choose, he should have preferred another form for his Motion. He should have preferred making the question of the diocesan schools subsidiary to the plan, instead of appearing to hold it out as the principal. But even such form was not without its advantages. It would convince hon. Members that he had no desire to spoliate, but to amend—no intention to throw down, but every anxiety to repair and to build up. The Church, indeed, was in this, as in most other questions of the present day, the principal agent; but he could not unnecessarily claim the alliance of popular feelings in such a cause. The subject was neither Protestant nor Catholic; it was the business of every man in Ireland. In this broad and national spirit only should he treat it. He knew too well, from recent instances, with what obstacles all education reform must have necessarily to contend. He felt that he had to battle with a fierce array of old misconceptions, and modern hostility; he was conscious that he trod upon slippery ground; but he had, in the deep and firm conviction, not the growth of to-day, nor of yesterday, but of many years, a staff of strength which he knew and felt would bear up his steps. What was insanity to-day would be common sense to-morrow. Changes the most striking had occurred almost in the time that the House of Commons had been talking of them. He proposed to go on as he had begun, not unnecessarily or abruptly interfering with old institutions, but after first reducing them to their original object as far as possible, he would make use of them as the *nucleus* about which to group new improvements. He did not look to the destruction, or suspension, of either the diocesan or royal schools, but to the correction of their abuses—to recalling them to their original institution—to their enlargement and improvement, both in management and instruction, in such a manner that, whilst there was no departure from their original institution, they should be rendered infinitely more available to the purposes of that general and improved education which was demanded by the light of the age, and the wants and wishes of the middle and the professional classes in Ireland. He thought they might each with very slight modifications, better arrangement, and a greater extension of public pecuniary assistance, be raised to the importance of a scientific as well as literary academy. Every county in Ireland would thus be provided with precisely that education which was most required by the spirit and purposes of actual society. We should have a race of surveyors, navigators, engineers, architects, chemists, and agriculturists, raised for the natural uses of the nation itself at home. We should no longer be indebted for our imports of intellect, as well as commerce, to other countries. The intellect of our own people, so long allowed to run away to waste, could be brought into active, wholesome, and useful operation. Food on which the mind of the country could feed without injury, would be plentifully produced; a new order of men would raise a barrier against the vices and abuses, but, form a link between the virtues of both the higher and lower orders of society. In fine, the mind of Ireland would gradually be brought, by this severe and healthy discipline to a sound matter-of-fact, practical, and persevering temper. All our institutions would thus acquire a better guarantee both for their security and improvement, and the popular feelings be quietly and almost imperceptibly weaned away from the desire and love of change and agitation. These were great, but in his mind they were also most attainable objects;

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* Hansard (new series) vol. xiv. p. 52.

to attain them, however, it was first necessary to ascertain our materials; to ascertain them it was necessary to inquire; such was the purpose of the present Motion. He called for returns of the actual state of the diocesan and royal schools; many of these returns, he was well aware, had been already furnished, but they had in general been very ill classified, and did not go to suggest any alteration. Now, he looked, in the first instance, for a distinct and ample exposé of the entire system; and in the next (from such persons as he thought best qualified to give it), for every suggestion which could tend to render these schools more available to the purposes of general professional education. When such returns should be before the House, he should then be prepared to proceed, by bill or otherwise, to the more general plan of the education of the middle classes in Ireland. For the present he should limit himself to the consideration of these diocesan and royal schools to state the practicability of their improvement, and the urgent necessity there existed (on a comparison with other countries) of an immediate exertion to found at once something like a system of education for the middle classes in Ireland. Those classes were supposed to have little susceptibility of scientific cultivation. The national temperament was too hot and imaginative: it was said not to consent easily to the coldness and restraint imposed by the gravity of the sciences. This allegation might well be contested on many theories, but he preferred having at once recourse to a less questionable test—to experience. Now, experience lay completely the other way. It was true, indeed, that the Cork Institution had been instanced in the south of Ireland as a failure; Government, after some years' trial, had withdrawn their grant; the lecture rooms, even when tickets were issued gratis, were stated, though erroneously, scarcely ever to have been crowded. But these defects were easily accounted for; the system was injudicious; lectures were desultory, and generally little more than ingenious idling, without accompanying instruction. Government had not gone too far, but had not gone far enough. The application of the institution to Lord Leveson Gower proved that a little broader policy at the outset would have produced precisely the opposite results. In the very same city and about the same time that these charges were made there were educating in the Catholic schools alone in geometry, eighty; in algebra, sixty; in mensuration and navigation, a still greater number. But if the south was supposed to give no great indication of this spirit, what could be said against the north? Look, for instance, to Belfast. Before the establishment of the Academical Institution of that town it was not possible to meet in the district more than four or five mathematical students. What had been the case since? From 1814 to 1825 there was not less than 1,368 students who had passed through the mathematical classes; they might now be very fairly supposed to amount to 2,000. Not less than 1,200 had advanced in the same period, to the study of the differential and integral calculus; 189 had become mathematical teachers (in 1831 they amounted to 300), and had materially contributed to spread the passion for scientific acquirements through every part of the country. It was not the mind nor the men, neither the faculty nor the desire which was wanting; it was the opportunity and the means; it was Belfast Institutions which were required to give the faculty and the desire, the outlet it struggled for, the fair play it had a right to, in every county and city in Ireland. The people of Ireland were, then, just as much entitled to their chance of the advantages of scientific education as the people of this country or of Scotland. But they had these advantages at home, if they only knew how to look for them, and one of them consisted in those schools to which he was desirous of attracting the attention of the House. Why had they been so unavailing? was the first question. How could they be made really available to these purposes? was the second. The history of these schools involved many considerations, and he should endeavour to treat each in that order which might make them somewhat more intelligible than, he believed, they actually were to a majority of this House. He should endeavour to show—first, that these schools were of strictly Catholic and national foundation; secondly, that the Church solely was originally bound to support them, though subsequently, as in the case of the repair of Churches and other charges, it shifted the burthen, in great part, to the shoulders of the people; thirdly, that notwithstanding these alterations, the Church had continued altogether to neglect the obligations which both divine and human law imposed, and suffered the schools to diminish and fall into decay; and fourthly, that it was the bounden duty, both of this House and the Government, to bring back the Church to the performance of these engagements, and see that institutions destined for the people, should not be lost to the people by either connivance or concurrence in the abuse.* There was an impression prevalent, that the diocesan schools were originally Protestant, and destined exclusively to Protestant purposes; nothing could be more erroneous. They were originally Catholic, and were still open, under the very statutes under which they were retained, not created, to Catholic as well as Protestant. In one word, they were, and had always been, in principle, though not in practice, strictly national. Catholics, and especially the Catholic Church, had been calumniated for her presumed hostility to instruction. Her councils spoke another language. One of the councils of Lateran ordains, "that means shall be procured in every parish for the support of a teacher, whose duty shall be to instruct the clerks and all the poor gratis." By a succeeding council, provision was made in like manner, "for a lecture in divinity, whenever the church should happen to be a cathedral." And in other cases, a schoolmaster should be provided, and empowered to collect a stipend from the rich, but bound to the instruction of the clerks and other poor gratis. The Council of Trent, the great concluding council of the Catholic Church, enforces the same obligation, (session 5, c. 1st); and when a sufficient maintenance for teachers in cathedrals could not be procured, by the gift of a Prebend, the Bishops (and this was precisely the principle of the diocesan schools) were empowered to lay their clergy for the purpose, under contribution; even in the poorer parishes a schoolmaster was ordinarily provided, lest that necessary work of piety should be neglected. Catholic countries still adopted these canons. Catholic England had transmitted them in the preservation of her parochial and cathedral, or collegiate schools, to Protestant England; and even Scotland, boasting, as she justly did, one of the best systems both of primary and secondary education in Europe—Presbyterian Scotland had only copied the system of Rome and Popery. The celebrated Act of William (1696) was only a transcript from a Scottish law of the fifteenth century, which was itself the enforcement only, by civil sanction, of the original canon of the Catholic Church. Henry and Elizabeth introduced the Reformation into Ireland, but they did not always destroy, they often applied what they found existing to the purposes of the new arrangement. Henry retained the parochial, Elizabeth the cathedral or diocesan schools, and precisely on the principle he had been describing. Her Statute (12th Eliz. c. 1st) was very specific. It enacts, "that there shall be found henceforth a free school in every diocese or of this realm of Ireland, whereof the master should be English, the Lord Deputy to have the remuneration, except in the dioceses of Armagh, Dublin, Meath, and Kildare. The school-house to be placed in the principal shire town, at the cost and charges of the whole diocese, without respect of freedoms, by the desire and oversight of the ordinaries of the diocese, or of the heirs general, and of the sheriff of the shire. The Lord Deputy, or Chief Governor for the time being, according to the quantity or quality of each diocese, to appoint such yearly pension for the schoolmaster as he shall think convenient, whereof the ordinaries of every diocese shall bear yearly, for ever, the third part, and the parsons, vicars, prebendaries, and other ecclesiastical persons of the same dioceses shall pay yearly, for ever, the other two parts, by a yearly contribution, to be made by the same ordinances." This law, then, left no doubt that it was the Church, not the laity—the dioceses, not the country, which were to provide—not one word of religion—at least, not one word of exclusion or restriction. It was for the whole people; and ten years, it must be remarked, had then elapsed after the passing of the Act of Uniformity. Sir John Davies indicated how much was hoped from the institution. The very year after, he stated, that to give a civil education to the youth of this land, "there should be one free school erected in every diocese of this kingdom." But those hopes were not continued to be realised: already, in the reign of William, decay had been felt, originating from an anxiety to throw the burthens on the people. By 7th William 3rd, c. 4, Justices of the Peace and Judges of Assize were required to give this Act in charge to Grand Juries, and to be very circumspect in seeing the same put into execution. The 8th of George 1st, c. 6, exhibited similar complaints; and in order to gratify and encourage the execution of the law, it allowed the Church to allocate land, and thus exonerated, at least in part, the existing incumbents. 5 George 2nd, c. 4, further extended this indulgence, and, for the first time, evinced the disposition to throw the burthen on the laity. It first proceeded cautiously; it was permissive. Tenants in fee tail and for life were empowered to grant land, not exceeding one acre, for those purposes. But 12th George 2nd, c. 9, and especially 29 George 2nd, c. 7, proceeded boldly. The first still required, indeed, in strict language, that the Archbishop or Bishop, &c., should provide the land, not exceeding one plantation acre, "to be for ever deemed and reputed to be the place for the free school of the said diocese; and that, until such piece of ground shall be set out, the free school shall be kept in such convenient place, within the said diocese, as the Archbishop or Bishop of the same can procure," &c.; but, then, it threw the burthen of the building, or repairing, in part, of these schools on the country. The Grand Juries were empowered to present such sums as they should find reasonable for their respective proportion, towards building or repairing such diocesan school, to be levied upon the whole, or such part of the said county, as should be situated in each respective diocese. There was a display afterwards of great severity. The Archbishop, &c., were empowered to sequester the profits of the benefice of any beneficed clergyman who should not pay his proportion to the schoolmaster, at the visitation, or within three calendar months after. But, as was anticipated, this respective proportion was impracticable, and 29th George 2nd, c. 7, threw the whole building and repairing, through the same machinery of Grand Juries, on the people. It was a lamentable fact, that Ireland was more deficient in education than any part of Europe. He did not wish to spoliate, but was anxious that funds should be raised to remove the ignorance of the middle classes in Ireland. They had the means in their hands. They had only to support diocesan schools by the means provided in the reign of a Protestant princess, Queen Elizabeth. This was a subject to which few had given due attention, and he was anxious to develop it to its utmost. He would, therefore, move an Address to his Majesty praying him, that the Commissioners of Education in Ireland might be instructed to inquire into the number and state of the diocesan schools in that country, and to consider whether their system of education might not be better directed to more scientific objects.

Motion agreed to.

CHANCERY SINECURES.] Mr. Boldero moved for a Copy of the Appointment of Clerk of the Patents and Registrar of Affidavits in the Court of Chancery.

Sir *Edward Sugden* would take that opportunity of saying a word upon what had fallen from his hon. and learned friend, the Attorney General, late last night, in reference to what he (Sir Edward Sugden) had said in the early part of the evening, on the subject of the recent appointment in the Court of Chancery. His hon. and learned friend seemed surprised that he should have mentioned anything relating to the Lord Chancellor in his (the Attorney General's) absence. He was sure that at whatever time the subject of the Lord Chancellor, or any thing relating to him, was mentioned in that House, he could not be without friends present to attend to his interests. For his own part he had not felt it necessary to wait for the presence of the Attorney General, on the subject to which he had called the attention of the House; and the less so, as he had given notice to his hon. and learned friend, the Solicitor General, for the purpose of having it communicated to the Lord Chancellor, that it was his intention to mention the subject in the House, and this, let it be understood, was before he had any knowledge whatever that the offices in question had been filled up. Indeed, he did not know of any appointment having taken place, until he was within a few yards of the House, when he was informed of it by an hon. Member whom he met. He was anxious to set himself right with the House as to the facts of the case, as he understood that the matter had been made the subject of some remarks by the noble and learned Lord that evening in another place, some of which were directed against himself. However, he would not take any further notice of those remarks until he had them from a more authentic source. He would wait until he saw them, and would take the opportunity when the noble Lord (Lord Althorp) should bring forward his Motion respecting the Lord Chancellor's salary, when he would defend himself against the sarcasms of the noble and learned Lord, or against those of any other individual who might have attacked him.

The *Attorney General* said, he had not expressed any surprise at his hon. friend having brought forward the subject in his absence. His surprise was, that it should be brought on at all that evening, as he had understood from his hon. and learned friend, the Solicitor General, that the Lord Chancellor was to be asked respecting the office, and whether it was to be filled up. All he had done was, to express his regret that he was not present when his hon. friend had introduced the subject, and that regret he still felt; for on looking at the usual vehicles of information, as to what passed in the House, he found that the remarks which had been made were calculated to produce rather an unfavourable impression in the public mind against the noble and learned Lord. If he had been present, two minutes would not have elapsed after the statement, till he should have given such an explanation as would have at once removed from the mind of every hon. Member any unfavourable impression which the previous remarks might have made.

The *Solicitor General* said, that the impression upon his mind had been, that the places in question had not been filled up at all, nor was he aware that the inquiry intended by his hon. and learned friend the member for St. Mawes, was directed to the appointment in question. Indeed, he had been prevented, under peculiar circumstances, from seeing the Lord Chancellor upon the subject.

Sir *Edward Sugden* considered he was perfectly justified in pursuing the course which he had felt it his duty to adopt, a course which did not want precedent, it was a mere matter of inquiry or question to the Government, such as it was quite regular to make, as he would contend, without notice. He denied that he had been guilty of any thing that was inconsistent with the usual practice of the House. Similar inquiries had been made on former occasions with reference to the appointments held by many individuals without notice, and been answered without any charge of irregularity. But in fact he told the Solicitor General that he had intended to put a question in the House as to what had been done with the sinecure places held by Mr. Scott, but he had afterwards heard of Mr. James Brougham's vacating his seat, and he had then asked why this had been done, and he was not bound in courtesy to wait for the presence of the Attorney General. He should treat the Lord Chancellor in that House as the Lord Chancellor had treated him in the House of Lords, and he should bring the subject regularly forward.

Mr. *William Brougham* maintained, that if ever a question had been put that meant or was intended to convey a censure, it was the question put by the hon. and learned Gentleman, on a former occasion, without any notice. He, however, could say, with reference to the offices in question, that they had been pronounced to be absolutely necessary after a consultation upon the subject, by the Chancellor, the Master of the Rolls, and the Vice Chancellor. He must again complain of the want of notice when the subject had been before introduced, for if such notice had been given, he should have excused himself from the duties which he had to discharge elsewhere, and have been in his place to have met the question with the fullest information upon the subject. He was also certain, that such information would have sufficed to satisfy the House, that nothing had been done with regard to these appointments of which even the most captious could complain. Such questions, conveying as they did, more or less censure upon the parties to whom they referred, should not be made without notice; for though he was sure that the characters of the parties referred to in the present inquiry were above all suspicion; yet an injury might arise even if a delay of twenty-four hours should occur in answering such an inquiry, tending as it did to censure. He should hope that, on all occasions of attacks being thus personally made against individuals, whoever they might be, that notice would be given, and if such a course had in this case been pursued, he should have been ready in the first instance to meet it.

Sir *Charles Wetherell* said, that some imputations had been thrown out against his learned friend (Sir E. Sugden) of having, with reference to the question, violated the usual courtesy of debate. He (Sir C. (Wetherell) saw not the slightest ground for that imputation. On the contrary, he thought that the conduct of the learned Gentleman had been perfectly open, gentlemanlike, and honourable. Many reflections had been cast on the conduct of the Lord Chancellor; but the most censorious of all who had spoken was the hon. member for Westminster (Sir F. Burdett) who said, in the course of his observations, that he could not believe it possible the Chancellor had made any permanent appointment to the offices in question.

Lord *Althorp* was not ignorant that the appointments had been made; though, from the nature of the offices, it was not incumbent on him to be acquainted with the period of their being filled up. It was undoubtedly in the power of any Member to ask a question, whether it implied a censure or not; but from his experience of parliamentary usage, he would say, in reference to that point, that he did not think the question which had been put, was one that should have been put without such a notice as was usually given.

Sir *Francis Burdett* said, the observation alluded to by the member for Boroughbridge (Sir C. Wetherell) was founded on his belief, from a knowledge of the character and understanding of the Lord Chancellor, that he could not have done that which was attributed to him.

Sir *Frederick Trench* thought, that the course pursued by the hon. and learned member for St. Mawes (Sir E. Sugden), had been perfectly courteous and decorous. What had the hon. Member done? He had merely asked a question as to the filling of certain offices, after telling the Solicitor General that he meant to ask it, and that question was one of a kind that were frequently asked without any notice whatever. It was impossible to act more honourably. The Lord Chancellor could not have wanted defenders, even in the absence of the Attorney General, when his Lordship's brother, and so many of his friends, were in the House.

Mr. *Spence* stated, that he had been instructed some time since, by the Lord Chancellor, to prepare two bills for the Reform of the Court of Chancery. One of these bills was already on the Table; the delay in bringing forward the other was attributable only to himself. It happened that the very first paragraph of that second bill (which was actually prepared) was—'Whereas it is expedient that the office of Registar of Affidavits in the Court of Chancery be abolished.' Under these circumstances, on learning the death of Mr. Scott, he thought it his duty to wait immediately on the Lord Chancellor, to ascertain whether that noble Lord had altered his intention with respect to the office in question. The instant he mentioned the subject, the Lord Chancellor assured him most distinctly that it was his intention to bring in the Bill as it was, without the least variation as respected the abolition of that office. Indeed, the Lord Chancellor hardly allowed him to finish his sentence before he stopped him with this assurance. He must further say, that it was on Tuesday, the 10th of July, when he moved for leave to bring in his bill, that he had an interview with the Lord Chancellor, when he stated, as appears in the reports of the debate, that it was his intention as soon as possible to bring in the Bill he had drawn, for regulating the officers, &c. but the Chancellor wished that a clause should be added, for constituting an appellate Court, and desired him to add such a clause, and when that was done he would immediately bring in the Bill. He (Mr. Spence) then added, that he had found so much difficulty in framing that clause, particularly as regards the Lord Chief Baron of the Exchequer, that he had not yet prepared it, so that the delay in bringing in the Bill between the time of the office of Registrar of Affidavits becoming vacant, and the period of the depending discussion, was attributable to him, and not to the Chancellor, which he the more regretted, as probably, in case he had been able to have prepared the clause before that time, the Bill might have been brought in, and then all question as to the Lord Chancellor's intentions would have been put at rest, and the present unpleasant discussion entirely prevented. He thought it right to give that explanation, and to add, that the Master of the Rolls, and others who were consulted on the subject, gave it as their opinion, that the offices should for the present be filled up, because there were important duties to be performed by the deputies, and it was necessary those deputies should have a principal.

Mr. *Boldero* said, a plain question had been asked last night, and it had received no answer. He knew nothing of the Lord Chancellor, or his affairs, or connexions, but finding that a plain question was not answered, he felt it his duty to move for a return of the appointments. There was nothing in that either singular or unbecoming, and perhaps its best defence was to be found in the fact, that the Lord Chancellor's friends admitted the offices to be useless ones, and that they ought to be abolished.

Sir *Edward Sugden* observed, that the learned Gentleman (the Solicitor General) had been the organ through which he had hitherto communicated any of his motions with respect to the Lord Chancellor or his Court; but if that was not the regular one, he must choose another for the future.

Motion agreed to.

HOUSE OF LORDS,
Friday, July 27, 1832.

MINUTES.] Bills. Read a first time:—Russian-Dutch Loan; Bankrupt Laws Amendment.—Read a third time:—Newfoundland Fisheries, and Appropriation of Duties.

Petitions presented. By the Earl of RADNOR, from the Barony of Ivert, to assimilate the Registry under the Reform Bill (Ireland) to that of the English Bill; from Kinsale and other Places, for the Abolition of Tithes and Church Cess.—By the Duke of RICHMOND, from Galway, for Improvements in the Reform Bill (Ireland); and from Derby, for the Abolition of Slavery.—By the Bishop of LONDON, from Leeds, for the Abolition of Slavery.

PARLIAMENTARY REFORM — BILL FOR IRELAND—REPORT.] Earl Grey moved, pursuant to the Order of the Day, that the Report of this Bill be brought up.

The Duke of *Wellington* suggested the propriety of a short delay, as some noble Lords were not yet present, who wished to attend the House on the occasion. It was much earlier than they had for some time past been in the habit of entering upon important business.

After a short interval,

Earl *Grey* said, that he did not see the necessity of further delay, as anything that was intended to be done by noble Lords now absent, might be proposed on the third reading of the Bill. He should, therefore, move the Order of the Day that the Report be received.

The Duke of *Wellington* wished to limit the 40*s*. freehold qualification in boroughs and cities, to such freeholds as had been created prior to the 31st of March, 1831. Such a provision was contained in the English Bill, and he could see no reason why it should not be introduced into the present measure. There could be no doubt that greater abuses prevailed in Ireland with respect to this description of franchise than in this country. The noble Duke moved an amendment in the 7th clause to attain his object.

Viscount *Melbourne* said, that the reason why freemen made after a certain date were to be excluded from the franchise was to guard against the abuse of creating a great number, in order to preserve a monopoly of power in the Corporations. But was there any reason to suppose that any considerable number of 40*s*. freeholders had been created subsequently to the date mentioned?

Lord *Plunkett* said, that the freeholders who had been created since the introduction of the Reform Bill had, many of them, paid money for the freehold. There was, therefore, no analogy between their case and that of the freemen. The freemen, who had inchoate rights, were to be entitled to acquire the right of voting; and if any occasional 40*s*. freeholders had been created, without consideration, they were to be excluded by other provisions of the Bill.

The Duke of *Wellington* said, that if this should appear to be the case, he would not press his Amendment. He only desired to legislate upon equal and impartial principles, with respect to freemen and freeholders.

Earl *Grey* thought the object of excluding fraudulent freeholders a very proper one, and he should have no objection to a provision of the kind, taking care that they did not exclude any *bona fide* freeholders.

The Duke of *Wellington* observed, that his Amendment was in the precise words of the English Bill.

Lord *Plunkett*, looking to the different situation of the people of the two countries could not immediately say what would be the effect of the Amendment; but, he believed it would not answer what he understood to be the noble Duke's object, supposing that a desirable one.

The Duke of *Wellington* said, that he should be perfectly satisfied if the noble and learned Lord would consider the subject in the interval between this and the third reading. His only object was equal justice, and it was certainly difficult to see how the clause could be a proper clause in the English Bill, and an improper one in the Irish Bill.

Amendment withdrawn.

The Duke of *Wellington* had another Amendment to propose with respect to the sons of freemen. He could see no reason why they should not be as much entitled to vote in Ireland as in England. The noble Viscount said, that the freemen were not as eligible a body of voters in Ireland as in England. But how could he resort to this argument, while, at the same time he assumed that the 40*s*. freeholders were a body of voters? He asked no more than that the sons of Irish freemen should be secured in the franchise transmitted to them from their fathers, as the sons of English freemen actually were. He should propose to leave out the words, "born before the passing of the Act," and to add other words to secure this object. Nothing could surely be said against the persons whose rights he proposed to secure, as they were persons not yet in existence.

Viscount *Melbourne* had said, that such of the freemen as were of respectable station would acquire a right to vote by the household franchise. He had not cast any imputation upon that body when he observed that the right of creating freemen was exercised more extravagantly and exclusively by the Irish Corporations than by those of England.

The Duke of *Wellington* observed, that the right of freemen's sons must stand upon the same ground in Ireland as in England. He could not conceive how a distinction could be made between the two. If it were said, that the freemen in Ireland made an improper use of their franchise, and ought therefore to lose it, this was an argument in which he could not concur, but at least he could understand it; but, he could not understand why they should disfranchise in Ireland, more than in England, freemen who were yet unborn, and who would be entitled to the privilege of voting by charters and ancient usage.

Viscount *Melbourne* said, that the noble Duke's argument, founded on the inviolability of charters, would preclude them from requiring residence as a condition of the vote. The children of 40*s*. freeholders were disfranchised as much as those of freemen.

The Earl of *Rosslyn* must object to the clause as it stood, because it made an invidious distinction between Ireland and England. It had been said, that there were greater abuses in Ireland than in England. If so, it would be a reason perhaps for disfranchising the existing freemen, but he did not see its application to a clause which preserved their rights, and destroyed the rights of their unborn children. All he wanted was an equal and impartial enactment.

The Marquess of *Bute* had been opposed to the measure of Reform, but he had not voted against the second reading of the present Bill, because, the English Bill having passed, he thought it expedient to legislate for Ireland upon the same principles. In sacrificing the hereditary rights of freemen in Ireland, while they preserved them in England, that impartiality, which he thought so necessary to be observed in relation to the two countries, would be abandoned.

Earl *Grey* had no objection to the object which the Amendment proposed, but, it was necessary to see that, in attempting to carry this object into effect, they did not go beyond it. He should, therefore, prefer that the noble Duke should postpone the Amendment till the third reading of the Bill.

Amendment postponed.

On the Motion of the Duke of Wellington, it was agreed that clergymen in Ireland should be allowed to register at the Quarter Sessions in the same way as 50*l*. freeholders.

Report received.

HOUSE OF COMMONS,

Friday, July 27, 1832.

MINUTES.] Papers ordered. On the Motion of Colonel EVANS, the Number of Rated Inhabitants of St. James's, Westminster, and the Number who have paid their Rates.—On the Motion of Lord SANDON, the Number of Ships which entered the Port of London from Foreign parts, from 5th July, 1831, to 5th July, 1832.—On the Motion of Mr. Alderman WOOD, the Number of Persons Rated in St. Giles's, Cripplegate, and who had paid all the Rates due for the six preceding Months.

Bills. Read a second time:—West Indies Relief.

Petitions presented. By Mr. STRUTT, from Derby, for the Abolition of Slavery.—By Mr. CHAPMAN, from Sonna, and Balnacarrig, for the Abolition of Tithes.—By Lord SANDON, from Liverpool, for an Inquiry into the Condition of the Slaves.—By Mr. DIXON, from the Owners of Steam Vessels on the Clyde, against the Steam Navigation Bill.

TAX ON STEAM CARRIAGES.] Mr. *Dixon* presented a Petition from the Glasgow and Dunkirk Railway Company, against a proposed Tax on Steam Carriages. The petitioners observed, that the persons who went by the steam carriages never went by other conveyances, and that, therefore, the proprietors of other carriages and roads were not injured by the steam carriage. They stated, that the expense of steam carriages was yet so great that this new mode of conveyance must be entirely destroyed if it were taxed.

Mr. *Jephson* was opposed to taxes on these carriages; at least, no tax ought to be levied on them for four or five years, otherwise the utility of the invention would be wholly destroyed.

Sir *Charles Burrell* said, that as a very heavy tax was levied on stage coaches, it would be an act of injustice to them not to tax steam carriages. Besides, these steam carriages were very dangerous.

Mr. *Warburton* was also opposed to such taxes. The best way to prevent accidents, was to give every possible facility to the improvement of the invention. He believed that there were as many accidents caused by stage coaches as by steam carriages, and he should protest against taxing this infant invention.

Mr. *Spring Rice* said, the question was not whether the tax was a tax that must be approved of or not, but whether the revenue could afford that a duty, which had hitherto been collected on the stage coaches running, for instance, between Manchester and Liverpool, should be at once extinguished, without anything being substituted for it. The revenue collected from the stage coaches could not be spared.

Mr. *Hume* could not but deprecate the introduction of such a tax. Any tax on free communication was an impolitic tax. The proposal to levy 1*s*. 2*d*. per mile for every four passengers would ruin this mode of conveyance.

Mr. *Hodgson* agreed with what had fallen from the hon. member for Middlesex, and wished that the Government would go further, and take off the duty on post horses. He did not think that conveyance by steam and machinery ought to be favoured at the expense of travelling by horses. Both ought to be free.

The Petition read.

On the Motion that it be printed,

Lord *Althorp* said, that if there was any difference on steam carriages running on common roads, and on the same kind of carriages running on rail-roads, he should be quite willing to remove the difference, and put both on an equality. If he could be convinced that the tax on steam carriages would put an end to that mode of conveyance, he should be willing to withdraw the tax. From the communication he had had with the proprietors of steam-carriages on common roads, they did not seem to suppose that the tax would operate injuriously. If he was convinced it would, he repeated, he should be willing to withdraw the tax.

Mr. *Hume* said, he would undertake to convince his noble friend of that fact.

Petition to be printed.

SUPPRESSION OF PUBLIC MEETINGS (IRELAND).] Mr. *Callaghan* presented a Petition from St. Ann's parish in Cork, and one from Blarney, complaining, that when a public meeting had been called for the purpose of promoting Irish manufactures, and when the people were about to assemble, they found the place of meeting occupied by a large force of cavalry, infantry, and artillery, under the command of Sir George Bingham, and were prevented from proceeding as they had intended. The hon. Gentleman said, this was not an anti-tithe meeting, and he wished to learn from the Ministers, whether the people of Ireland were in future to be debarred from the constitutional proceedings of every British subject?

Mr. *Hume* also begged to ask, whether the Government would give an explanation of this circumstance. If the petitions were true, there was an end put to the rights of the people; and when this took place in Ireland, Englishmen would find it was quite time to look about them. He could not believe the statement made to be true, and he, therefore, wished for some information from the right hon. Secretary for Ireland.

Mr. *Stanley* said, that a great many meetings had been held in Ireland, not in order to petition, but for illegal purposes. It was pleasing, however, to know, that, although Government felt it a duty to prevent such assemblages, not a drop of blood had been shed in dispersing them. The character of the illegality of a meeting depended almost entirely on the circumstances with which it was attended, and, not having had an opportunity of inquiring, it was out of his power to give an explanation of what had occurred at this particular meeting.

Mr. *Hume* asked, whether the depositions in this case might not be had; as it would be of great consequence to know what would constitute a legal or illegal meeting?

Mr. *Leader* supported the petition, and said, that with respect to another meeting held on the subject of tithes, it had been proved at the Petty Sessions, before the High Sheriff, Sir William Wrixton Becher, and a number of Magistrates of the county of Cork, that a policeman, dressed in coloured clothes, had been seen throwing stones at the military, in order to give the colour of a riot to the proceedings. The Magistrates had strongly reprobated this conduct, and the man was ordered to be dismissed.

Mr. *Stanley* said, that there was no connexion between the two meetings mentioned by the hon. member for Kilkenny; and he could not but consider the story of a policeman throwing stones at the military incredible. The meetings and associations, which were said to be for the encouragement of Irish manufactures, were, in fact, held with a view of binding the people not to consume English manufactures. The meeting would then appear to be illegal, and the assembly was to be held in force, for the purpose of intimidation. The Government neither had, nor would interfere with the constitutional right of petition, but they would take care that it should not be abused.

Petition to be printed.

CHANCERY SINECURES.] Lord Althorp moved the Order of the Day for the House to resolve itself into a Committee of Ways and Means.

Sir *Edward Sugden:* I must beg, Sir, to take this opportunity of claiming the attention of the House for a short time, while I refer to a subject in which I am deeply interested. I find that, in another place, a noble and learned Lord, in the course of some observations made with reference to my conduct, has thought fit to use expressions towards me, which no gentleman, who has a regard for his own personal honour, nor any one whose acts could be influenced by personal fear, would have ventured to direct towards any other gentleman. These expressions are so far removed from anything that one meets with in society—they are so different from what one should expect from a person of his exalted station, and especially from that place in which he ought to set an example of decorum to all others —that, with reference to the person by whom they were uttered, and the place in which they were uttered, they are either so degrading to the person making the attack, or to the person against whom that attack is levelled, that——

Mr. *Stanley:* I rise to order. I submit that it is quite irregular for the hon. and learned Gentleman thus to allude to what has passed in another place. At the same time, I am willing to admit, that if any attack had been made on that hon. and learned Gentleman—if any charge had been directed against him—he would have been entitled to use that opportunity of replying to it. But I must submit, Sir, that if this or the other House of Parliament is made the place for bandying strong expressions, and if, in the one House, one hon. Gentleman says, I understand that a Gentleman in another place has used such and such expressions regarding me ; and if that Gentleman in the other place retorts in the same manner, there will be an end, not only of all the forms of Parliament, but of all mutual respect, and of all dignity in our proceedings. If any charge had been made against the hon. and learned Gentleman, I should say that this was the time at which he was fairly entitled to reply to it; but if he makes a complaint, as he has done, and makes it in such terms as he has done, a complaint of expressions he understands to have been used ; and if that mode of complaint be permitted, it will lead to interminable and undignified recrimination, and we shall be going beyond that latitude which this House has allowed, if he goes on commenting, not upon a charge, but upon expressions which he merely understands to have been used in another place.

Mr. Courtenay rose to order, but his remarks were not heard.

Mr. *Stanley* then continued, I should have finished in a moment, so that the right hon. Gentleman's interruption was quite unnecessary. If any charge had been made against the hon. and learned Gentleman, I admit that he would be right in answering that this moment, but none appears to have been made; and as he has announced his intention of entering on the substance of the charge he has himself made, upon a future day, I think it would be more convenient not to enter on the discussion of these expressions apart from the charge itself.

Sir *Edward Sugden:* I know not, Sir, the meaning of this interruption. I dare say, that no one of those with whom the noble and learned Lord is connected in this House, felt the slightest degree of regret at the charge made against me in another place. I dare say, that they—

The *Speaker :* I must call the hon. and learned Member to order. The statement made by the right hon. Gentleman is perfectly correct, that in this House no answer can be given, no retorts made, upon expressions uttered in the other House of Parliament, consistently with the due observance of the privileges of both Houses. If the hon. and learned Gentleman instead of commenting upon expressions which he says he believes to have been uttered in the other House of Parliament, had said, that he understood an attack had been made upon him there, in consequence of expressions which had been wrongly attributed to him in this House, and if he had taken this opportunity of denying those expressions, he would have been perfectly entitled to do so. I did believe that that was the view which the hon. and learned Gentleman intended to take of the subject, and that was the reason why I suffered him to proceed so far, and it was clear that that course would have been according to the orderly way of proceeding in this House. The other course of commenting on what had passed in another House of Parliament, is clearly against order, and I should have called the hon. and learned Gentleman to order had I known he was going to comment on expressions used or supposed to be used elsewhere.

Sir *Edward Sugden :* I am always most ready, Sir, to yield obedience to you. I always have been most obedient to the Orders of this House, and I am happy to say, that I have always found it very indulgent. In the short period during which I have been a Member of this House, I have never seen a desire on the part of the party to whom an offending Member belonged, to deny to the party offended the right of answering any attack made upon him. That right, however, is now denied me. I have been deeply offended. It is impossible that one Gentleman could have been more deeply offended than I have been offended on this occasion, and yet the right hon. Gentleman has refused; when the defence is to be heard—he has refused to hear me. I was not out of order, Sir. I should not have been out of order, had I been allowed to proceed. The right hon. Gentleman has put me wrong by the observations he has made; if he had not risen to order, to give his representations of what I was saying, I should not have been out of order: that I am so is, therefore, owing to him. By him I have been prevented from making observations, which I had as good a right to make here as the noble Lord had a right to make them in another place. If dignified conduct and silence are to be observed, why are they not recommended to the noble and learned Lord? and if he knows not how to restrain himself from making charges, surely the person against whom he makes them may be allowed to defend himself against those charges. If restraint is to be practised, why does not he put a bridle on his expressions? I have been personally insulted and abused in the grossest manner, by the use of offensive epithets from a vulgar vocabulary in language, which no private gentleman should utter on the one hand, or submit to on the other; and yet I am not to be allowed to answer this abuse; but I am to be told, that, if I attempt to do so, I am breaking through the privileges of this and the other House of Parliament. As regards the language, I shall carefully abstain from following the example that has been set me. I have always spoken of the noble and learned Lord and of his conduct, publicly, openly, and manfully, never using, with respect to him, any expression that any one man could take exception to; and I will now only say, that these observations, let them be made when they will and how they will, shall never prevent me from investigating charges which I think ought to be made against the public conduct of any man. On the occasion in question, however, I made no charge—I only asked for information. I never used towards the noble and learned Lord, of whose public conduct I was then speaking, one disrespectful expression; and if I were now to do otherwise, I should but imitate his conduct. That noble and learned Lord has attacked me in a place in which I cannot answer him; the place where the attack was made rendered it improper—it was doubly so, as in no place can I answer him, for he presides as the Judge in the Court in which I chiefly practise, and there I shall not attempt to answer him; for however I may have lost, as I have lost, all respect for his person, I am yet bound to silence by the respect I entertain for his office. I must, however, when addressing him, feel sensible that I am addressing a man who has forgotten how to act towards me, as one gentleman should act towards another. I must say, that, in my absence, he has used words towards me, which no gentleman would have ventured to use towards me in my presence. I am not open to such observations—I have never done anything to deserve them. They are painful to a man's family—they are disagreeable to his children—they give pain to his friends, and the more so, as the situation of the person uttering them exempts him from all responsibility for his conduct. I must say, for once and for ever, that I have lost all personal respect for the person who used these expressions [*hear, hear !*].

Mr. *Stanley :* I must be allowed to say, Sir, that I had no wish whatever to interfere with the explanation of the hon. and learned Gentleman ; but I must say, that when he denies having made a charge on the former occasion against the noble and learned Lord, I do not understand him. I think that it was a charge, and a personal charge, which he then made ; it was a charge most disgraceful, if true, and if not well-founded, it was one which ought not to have been made except upon the fullest and the fairest deliberation, and, after the amplest opportunity afforded to the party accused, to appear by himself or his friends to answer the charge. I say, that the noble and learned Lord's conduct was made the subject of a serious charge, and he took the opportunity of vindicating himself in the other House; and, in doing so, he stated, that the charge made against him was one that imputed motives, for which imputation there was no foundation whatever. The noble and learned Lord, in another place, only exercised that right which the hon. and learned Gentleman claims for himself here—of taking an opportunity of explaining and vindicating his conduct ; and he does this in a manner which cannot fail to convince any dispassionate man in the kingdom, that the charge brought against him by the hon. and learned Gentleman was utterly destitute of foundation. The noble and learned Lord did this so, as at once to convince ninety-nine men out of a hundred, that the charge brought against him was utterly groundless. The noble and learned Lord rose, not to attack the hon. and learned Gentleman, but to vindicate his own character from a matter of charge and accusation that had been preferred against him ; and it appears, that, in this vindication, he has said something offensive to the hon. and learned Gentleman. If the noble and learned Lord had brought any charge against the hon. and learned Gentleman, as a professional man or a gentleman, then he would be entitled to exculpate himself in this House. But the hon. and learned Gentleman does not accuse the noble Lord of having done so ; he merely complains of certain expressions, which he has not stated to the House, as having been used towards him in another place, and has gone on making comments on those expressions ; but the nature of them he has not stated. The hon. and learned Gentleman has made the observations we have just heard ; but they are in answer to no charge preferred against him ; and he himself has not mentioned any such charge, nor has he specified even a single expression, but has gone on making comments on expressions of which he has complained, but of the nature of which he cannot give us the least idea. Recollecting the important business which is about to come before the House, I called the hon. and learned Member to order. If the hon. and learned Gentleman, when complaining of the strong language of an individual in another place, is to get up, and, in his own justification, use stronger expressions, there is an end to the dignity which generally characterizes the proceedings of Parliament. For these reasons, I expressed my regret that he did not confine himself to replying to the charge, whatever it might be ; and, in defence against a charge, I would be the last man to offer any interruption. When I saw that the object of the hon. and learned Gentleman was to resort to invective, and to use strong expressions and harsh language, in reply to the expressions and language he complained of, and the only effect of which would be to waste the time of the House, I thought that it was time to interfere, and I feel that I was perfectly justified in the course which I then took. The speech of the hon. and learned Gentleman was not a defence against a charge, but was a recriminatory attack against strong language, which he supposed to have been used in another place. I will leave it to the House to determine how far I was justified in interrupting the hon. and learned Gentleman ; but I then thought, as I still think, that I was only acting in conformity with the rules of the House in doing so.

Sir *Robert Peel:* I have just read the expressions of which my hon. and learned friend complains, and I have read them with the greatest pain.

Mr. *Stanley* (interrupting the right hon. Baronet) said, I have seen the noble and learned Lord this morning, and he complains of the manner in which he is reported.

Sir *Robert Peel:* I only know them from the reports in the public journals, and, until I hear them contradicted, I must believe them correct. I must say, Sir, I think this a matter of deep importance, not only as it affects my hon. and learned friend, who, in my opinion, has shown a very proper sense of what is due to himself in the notice he has taken of these expressions, but it is a matter of importance as it affects the privileges of Parliament. Of the noble Lord who has made use of these expressions, no expression ever fell from me calculated to convey a feeling of disrespect towards him. On the occasion to which the present discussion refers, it will be recollected that I recommended the House to abstain from further discussion, for that I was convinced the noble Lord would be able to explain satisfactorily what he had done. I stated, that having heard the noble Lord's evidence given with respect to those offices, I was satisfied that the appointment which he had made was only provisional, and that he meant to abolish the offices in question; but still I heard nothing in the speech of the hon. and learned Gentleman which was at all inconsistent with the performance of his public duties as a Member of this House, or, which called for those observations of which he now complains. Two offices, notorious sinecures, fell vacant, and, notwithstanding the declaration of the Lord Chancellor, that he intended to abolish them on the first vacancy, they were filled up. When the appointments were made, what was more natural than that an hon. Member of this House should ask for some information respecting those appointments, and comment upon the proceeding? In former times, and when the noble and learned Lord was a Member of this House, not a moment would have been lost in putting such a question. That question was no attack on an individual Peer, but an inquiry into the public conduct of the Government. Answers were given to that question, and, in another place, that noble and learned Lord himself, presiding in the place in which he gave the answer, the Chief Judge of that Bench in whose Court these appointments had taken taken place, described the Member of Parliament who put the question in a manner which would effectually deter many individuals, shrinking from abuse, and from the power of that sarcasm, which, we all know, he can so irresistibly wield, from the performance of that duty, which, as Members of Parliament, they are bound to discharge. When the Member, too, against whom these attacks are directed, is a Gentleman practising in the Court in which the noble Lord presides, it becomes highly probable, that if they do not influence him to abandon his duty, they will operate to his serious prejudice, and might occasion the ruin of any professional man who did not happen to be of the first-rate eminence. My respect for that noble Lord, and my admiration for his abilities, prevent me from quoting those opprobrious epithets which he is said to have used. "Crawling reptile," and "insect" of a certain sort, are the terms which I may mention, and from the use of which I may leave the House to judge what are the rest. I agree, however, fully with the right hon. Secretary, that nothing can be more inconvenient than to refer to the proceedings of the other House of Parliament; but, if the use of such expressions is to be allowed, what situation are we in? How are we to perform our duties in this House, if we are liable to be abused for so doing by the noble and learned Peer who presides over the other branch of the Legislature Either the right hon. Gentleman must not interfere when a Member is defending himself from attacks of this sort, or the Member must submit to suffer from the use of these opprobrious epithets. I say again, that I deeply regret the noble and learned Lord should so far have forgotten himself, as he must have done, when he trenched in this manner on the privileges of this House, and interfered with the performance of the duties of a Member of Parliament, by holding him up to public reproof and reprobation, in terms so offensive, that no man can submit to them without uttering his decided protest against them. The right hon. Gentleman calls in question the accuracy of the report. I hope he will be found to be justified in doing so. It is a report in *The Times* newspaper, and, in one respect, it has the appearance of accuracy—it is very elaborately given. Still, however, I should rather hope that it is incorrect and spurious, than believe that the noble Lord would have used the privilege of his station to make the attack on my hon. and learned friend in the terms which he is represented to have used.

Lord *Althorp:* The noble and learned Lord called on me to say, that the report in that paper, and in another paper, was very incorrect. I do not know in what respect the report was incorrect. I shall take this opportunity of saying, that however justifiable may have been the use of any expressions, or of any explanations, under particular circumstances, it is utterly impossible, consistently with order in our proceedings, that, from day to day, strong expressions should be bandied about from one place to another. I have not read the expressions that are now the subject of discussion, and I can only say, that my noble friend complains of the incorrectness with which his observations were given.

Mr. *Goulburn* had read the report in question with the same feelings as his right hon. friend. He hoped that inaccuracy in the report would account for those expressions, of which his hon. and learned friend complained. However, he could not but think that it would not have ill become the character of the noble and learned Lord to have taken the earliest opportunity of assuring the victim of those expressions, that they had been misrepresented; and the question of their accuracy would depend a great deal, in his mind, on the fact, that the noble Lord made the first explanation to those who heard them, and satisfied them that the expressions were not those which he used. If the noble Lord omitted that—if he did not take the first opportunity in the place where the calumnious expressions were said to have been used, to satisfy the victim that they never had been used, there could be but one inference drawn from the omission. The question was of the very highest importance, and it involved the point, whether the Members of that House were to be checked in making inquiries into public matters, by the dread of drawing down upon themselves language which no gentleman would suffer to be applied to him. If this were to be the case, there was an end to the discharge of one of the most important duties of a Member of Parliament—the duty of questioning a Minister upon any proceedings supposed to be under contemplation. He begged the hon. Gentlemen who heard him to recollect, that when the present Lord Chancellor was a Member of that House, he took precisely the same course of inquiry, with reference to appointments which were supposed to be making, or to have been made, as that which had been taken by the learned member for St. Mawes. Did that noble Lord, on any such occasion, ever suppose, that, because he asked a question, it was competent for any person in the other House to cast upon him imputations which no man would dare to cast upon him from any other situation? He would not pursue the question any further, and he was willing to trust that the report in the newspapers was incorrect, and misrepresented the words of the noble and learned Lord. He trusted, that the noble and learned Lord would feel himself bound to give his hon. and learned friend (the member for St. Mawes) that full satisfaction which he had a right to demand. The noble Lord ought to explain these expressions in the place in which they were first used.

The *Attorney-General:* I was not in the House, Sir, when this matter was for the third time brought before it. I was about to apologise, Sir, for having been absent during a part of this discussion, so that to only a part of it could I reply. I must say, that, in the first place, it appears to me singular that this complaint should be made in this House of Parliament, where we cannot properly know what has passed in another place—where, whatever occurred, must have occurred in the presence of many friends of the hon. and learned member for St. Mawes. Those friends did not complain of the expressions used by the Lord Chancellor; and not only they did not complain, but they expressed their approbation of what the Lord Chancellor then uttered. That fact seems to me sufficient to show, that what was then uttered by no means deserves the attacks that have been made on it this evening. What was the conduct of the hon. and learned Gentleman in this House on the occasion that gave rise to the remarks of which he now complains? He put a question respecting the appointment to certain offices in the Court of Chancery. That question was put without notice, and a remark was made that the offices were then filled—that he had been prevented, by the course taken by the Lord Chancellor, from putting the question before; but that if he had put it before, the vacancies never could have been allowed to be filled up. This matter was brought on in the absence of my hon. and learned friend, the Solicitor General, to whom, it seems, some kind of notice of the intended question had been given—it was brought on in my absence, and in the absence of my hon. and learned friend, the member for Ripon, and of any one who could at the moment have given an answer for the Lord Chancellor. If the question had been put in the presence of either of my hon. and learned friends or myself, there would have been given that answer, the want of which made it a subject of one of the most invidious attacks that can well be conceived on the conduct of any one. This was followed by getting a book from the library, and reading extracts from former speeches of the Lord Chancellor, and contrasting them with what was described as totally different, namely, his present conduct. Except in the way of attack, how came it to be said, that the public would hear with regret of these appointments? I repeat, that if that question had been put while any man able to answer it had been been present,—any one possessed of knowledge of the fact—there could have been none of these subsequent differences. I think that we have a right to express our regret, with reference to the courtesy used among gentlemen, that the question was not put in a manner that would have prevented these unpleasant discussions. I repeat, that had any one acquainted with the facts been present, these things might have been avoided. The Lord Chancellor, when a Member of this House, was, I know, in the habit of putting such questions on all occasions on which he felt it his duty to do so; but he always put them openly and manfully, and gave the parties concerned the full means of knowing when they would be put, and of being prepared with their answers. In the present case, the Lord Chancellor meant to abolish the offices before they fell vacant. The bill of my hon. and learned friend, the member for Ripon, had been prepared, and the first line of that bill declared that they were to be abolished. When they fell vacant, the Lord Chancellor had a communication with my hon. and learned friend, and distinctly declared that the change which put the appointments into his hands made no change as to his arrangements. His words were—"Let the offices of Patent Registrar be at once abolished." Under these circumstances, the attack on him was, in my mind, most unjustifiable; and it was the more to be regretted, when it is considered that if the question had been put in a proper manner, the explanation might have been instant and complete.

Sir *Robert Peel* repeated, that what he had said on the former evening was, that he thought it very possible that there might be duties attached to those offices, which rendered it necessary that the appointments should be made; but he did not believe, that it was the intention of the Lord Chancellor to make the appointments permanent. He could not say, what the hon. member for Worcester might have intended to say; but he knew, that an hon. and gallant friend of his got up, and said that he differed from him, and that he thought that the appointment was intended to be permanent. When the hon. Baronet opposite (the member for Westminster) said, the appointment would only be provisional, he expressed his concurrence in that opinion, and declared, that, from what the Lord Chancellor had frequently said, it was impossible that the appointment could be permanent. He, at all events, could not be accused of having made an attack upon the Lord Chancellor. On the contrary, he had asserted, that if those offices were abolished, the Lord Chancellor ought to be compensated for the loss of patronage.

The *Attorney General* had judged simply from what he saw in the newspapers. He knew it was not possible to catch the exact words of a speaker; but he considered the report to be substantially correct. He looked upon what had fallen from the right hon. Baronet as an additional proof of the inconvenience of such questions being put in such a manner.

Sir *Robert Peel* repeated, that he had always insisted that compensation ought to be given to the Lord Chancellor, if offices in his patronage were abolished.

Sir *Robert Inglis* thought that the attack which had been made upon his hon. and learned friend was more injurious to the reputation of the person from whom the attack came, than to the person attacked. But if such attacks upon Members of the House of Commons were permitted to pass unnoticed by the House, then the independence of the Members was at an end. Another noble and learned Lord, from another part of the kingdom, had made a similar attack upon another Member of the House of Commons in language which no gentleman in England would apply to another. On the same principle on which he now complained of the attack made upon his noble and learned friend, he had on a former occasion taken the liberty to reprehend an attack made upon the late Lord Chancellor, by the noble and learned Lord, who was then Mr. Brougham, and a Member of that House. He said then, as he said now, that it was improper and unjust to make an attack upon an absent person who had no means of defending himself or vindicating his character. If the noble and learned Lord denied that he had used the language attributed to him, he ought to contradict the report, in the presence of those who heard him, at the time. But, until he should have done so, his noble and learned friend had a right to stand up in that House and complain of the attempt which had been made to interfere with the independent discharge of his duties as a Member of Parliament. No station, however exalted, could justify such an attack.

Mr. *Macaulay* said, that every Gentleman in that House must be aware that, however accurate the reports in the newspapers generally might be, it was impossible to expect that they should give the exact words of a speaker. Now, the whole of the present discussion respected words --he might say syllables. If the words complained of had been used by the Lord Chancellor, he was sure that some of the Members of the other House, present at the time, would have remarked upon them; and he thought it was evident that no such language was used, from the fact, that the only remark which the observations of the Lord Chancellor elicited from any of the noble friends of the hon. and learned member for St. Mawes, was the statement of Lord Eldon, that he had read the speech of his hon. and learned friend (Sir Edward Sugden) with the greatest concern. Now, the facts of the case were these: an attack had been made upon the Lord Chancellor in the most ungracious manner —an imputation was thrown out that he had been guilty of a most indecent, and (as it would be in him) a most dishonest proceeding; and this attack was made upon him at the very moment when the noble and learned Lord was making a great sacrifice to the public interest. Was it to be wondered at, then, that he felt hurt, and expressed his indignation warmly, and, perhaps, in the contemptuous language which he might naturally think was called for by such an attack? Hon. Gentlemen on the other side seemed to forget altogether, that the provocation came first from the hon. and learned member for St. Mawes.

Sir *Charles Wetherell* might have supposed, from what had been said by his learned and hon. friend on the Treasury Bench, that, instead of his being the Attorney General, he had been some Major General. His learned friend had done nothing but attempt what a military gentleman often attempted. He had endeavoured to get an advantage over his adversaries by making a diversion. He had said, that his hon. and learned friend, the member for St. Mawes, had given a great provocation to the Lord Chancellor; but he (Sir Charles Wetherell) would contend that the question relative to the appointment was not, in a parliamentary sense, or in any sense of one gentleman speaking of another, to be considered in the light of a provocation. Since he had been a Member of that House, when public offices were about to be filled up, he had repeatedly heard questions put, upon the propriety or fact of filling them, and such questions were always put without the ceremony of any previous notice, although the hon. Member who put the question might mean clearly to insinuate that, if the places had been filled, they had been given unnecessarily and improperly. Surely, in a parliamentary sense, he was not to be told by a Lord Chancellor, or by any man, that if a Member of that House put a question, which, if answered affirmatively, would involve, in the opinion of him who put the question, a censure against one of the Ministers, he had done wrong if he had not previously given notice of his intention to put that question. But, however, in the present instance, the question had not been put without notice having been previously given. His Majesty's Solicitor General had been present when the question had been put, and his learned friend (the member for St. Mawes) had previously communicated to the Solicitor General that it was his intention to put that question. In his opinion, therefore, his hon. and learned friend, had done every thing which he ought to have done, in communicating to the Solicitor General that he intended to put the question to the Treasury Benches relative to the filling up of the places. Not only had the Solicitor General told the House that such had been the communication made to him, but he had even avowed that he had forgotten to speak to the Lord Chancellor on the subject. Really a person might be led to suppose, that the case was of such high importance, that, like the question of the Russian-Dutch Loan, it required a secret consultation upon it before it could be mentioned in the House of Commons. He would say, at once, that his learned friend had never faltered—had never been backward in any thing which became a gentleman and a man of the highest honour. No man had ever known his hon. friend to be peccant or defective in any thing that became a gentleman, and if there had been any faltering in not making this communication to the Lord Chancellor, it was quite palpable that the whole error had rested with the Solicitor General. The next point that had been adverted to was, whether the report in question were, or were not, accurate. His hon. and learned friend had said, that the report was not accurate. He had read over *The Times* of that morning, and he remarked, that, in addition to a report, it contained a commentary on the report. And as to the accuracy of this paper, he could not bring himself to think, that a journal to which eminent men, who were now eminent lawyers—ay, and eminent Lords—had formerly been in the habit of contributing—he could not, animated as it had been by the flashes of their wit and the flow of their genius, think of looking to *The Times* newspaper as a peculiar magazine of errors and inaccuracies. If a man said any thing peculiarly sarcastic—peculiarly stringent—keenly cauterizing, it was not to *The Times* newspaper he should look for any inaccuracy in relating it. This, at all events, was the first occasion on which *The Times* had failed to do justice to the manner and scope of the noble and learned Lord. It had been said, that there might be mistakes in the words of the report. True, so there might; and, perhaps, the paper in question never caught the *Επεα Πτεροεντα* of Lord Brougham. There was, however, in nature a class of animals denominated reptiles. He did not know how many were the subdivisions of the class, but he supposed that three or four kinds of the reptile tribe had been showered on the head of his hon. and learned friend. And how had this taken place? How had it happened that the Lord Chancellor should pour down upon the head of one of the leading members of the Court of Chancery, his vocabulary—he would not say of abuse, he would employ a stronger phrase—his vocabulary of calumny reported in the public papers? His hon. and learned friend, the Attorney General must permit him to say, that if such things were tolerated, there would not only be an end of the independence of any member of the bar, but of the independence of any Member of that House. He would beg hon. Members to consider how the error, if it were an error, could have taken place. The Lord Chancellor, be it remembered, did not speak from the Woolsack. He stepped forward and poured out, at considerable length, upon his learned friend, formerly the Solicitor General for his Majesty, that vocabulary of abuse, or of calumny, which was now supposed to be incorrectly reported in the public Press. The hon. Gentleman opposite had said, that when the member for St. Mawes was attacked, his friends and the Duke of Wellington were present. Now he (Sir Charles Wetherell) did not suppose, that his Grace the Duke of Wellington was particularly well acquainted with the interior of the Affidavit Office of the Court of Chancery. But, then, there was the Earl of Eldon in the House of Peers, and the Lord Chancellor must have forgotten that when he was a Member of the House of Commons he was always in the habit of attacking Lord Eldon. Such arguments might do very well as the peroration of a speech before a Jury, but that House was not to be told that, because Lord Eldon and the friends of the hon. member for St. Mawes were present in the House of Peers, the Lord Chancellor might, therefore, pour out his torrents of abuse as he pleased. The right hon. Gentleman, the Secretary for Ireland, had indeed said, that ninety-nine persons out of every hundred were satisfied with Lord Brougham; but he would tell that right hon. Gentleman what every body but himself well knew, that the proportion between the satisfied and dissatisfied was in the inverse ratio. Ninety-nine out of every hundred were not satisfied, The right hon. Baronet, (the member for Tamworth) had been fallen foul of by the Attorney General for taking this report as the correct report of the speech. When the Lord Chancellor was examined before the Committee of that House, these offices of the Court of Chancery were recommended by him to be abolished, and yet when they became vacant, he filled them up; and all the question asked by the hon. member for St. Mawes was, were they filled up provisionally or not? Was the person filling them bound to consider himself a trustee for the public, and liable to be turned out even the next day. Lord Brougham had not answered that question. Lord Brougham ought to have taken an obligation from the person he appointed, that when the place was abolished he should give it up without any claim upon the public for vested interests. The only material question which Lord Brougham ought to have answered he had not answered. All he had condescended to say was merely, that he had put his brother into the office because he was under his control. Let any man now get up and say, whether Lord Brougham had or had not given this office to his brother under a condition, that if Parliament abolished the places, he should yield them up, and have no right or claim whatever to any compensation.

The *Attorney General:* It is so.

Sir *Charles Wetherell* continued. It was said so now; but what a posthumous saying.

Mr. *William Brougham:* The learned Member was really arguing hypothetically, and occupying the time of the House in vain. The Lord Chancellor had clearly stated, that it was necessary to fill up the vacant offices, for, otherwise, certain deeds could not be entered, and he had put his brother into the situation because he was a person in whom he could place the most perfect reliance as to his throwing up the places at the instant, if Parliament thought fit to abolish them; and, in that case, not one single word would be heard about vested interests.

Sir *Charles Wetherell* resumed. The hon. and learned Member was only attempting to put right a person who was already right. All that the Lord Chancellor had said, was, that he had appointed his brother, because he had over him a control. Nothing whatever was said of vested rights.

Mr. *W. Brougham;* Certainly there was.

Sir *Charles Wetherell:* The most certain person might be uncertain, as well as that the most certain reporter might be incorrect. The noble Lord had said at the same time, that he had a right to fill up the office, which was not consistent with his having said, what he was reported to have said, respecting vested rights. The consequence or the inference from the proposition, was, that he had a right to fill up the office, with all the emoluments and vested interests belonging to it.

Mr. *William Brougham:* No, no, no.

Sir *Charles Wetherell:* The hon. and learned Member might shake his head, but he would not shake him from his argument. His report of the conversation was by far more incorrect than the report of the speech in *The Times.* He (Sir Charles Wetherell) would repeat, that Lord Brougham had said nothing of the sort attributed to him by the hon. and learned member for Southwark, and the supposition was altogether inconsistent. Now, his hon. and didactic friend, the Attorney General, complained that he was not present when the question was put; but he must say that every thing which could be done, every thing that was due from one gentleman to another, had been done by his hon. and learned friend the member for St. Mawes. The language and sarcasm which had been thrown out by the noble and learned Lord in another place, were of a nature utterly to extinguish many men who might be less competent to maintain themselves, either as men of honour or of professional standing, than the hon. and learned Gentleman was. He would say, that such language used elsewhere would go to demolish a man, not only as a Member of Parliament, but as a private gentleman. He differed materially from the hon. member for Calne, who had said that provocation had been given sufficient to bring out a strong blow. It had been argued that the question was not to be put without notice, but he well remembered when the right hon. Baronet opposite, (his friend, he believed, he might call him) now First Lord of the Admiralty, sat on his (Sir Charles Wetherell's) side of the House, he was very prone to put questions upon all occasions, in common with his hon. friend. If there was an appointment to which a salary of 100*l*. or 300*l*. a-year attached, or if my Lord Bathurst had a son, or any relation put into any public situation, then there was such catechising, aye, such cheerings, and queerings too—aye, he would say, such queerings as never were known, and which were certainly much out of place. Questions were put, and upon a mere verbal promise made in Committee, regular discussions were entered into. But, in the present instance, there was a case of a particular nature, about which it was proper to ask questions: and would the House of Commons allow a man, an hon. and learned Member of the House, to be put down by the anvil in the smithy of the noble and learned Lord? Absurd! Would they permit him to be crushed by this Vulcan-like force played upon him elsewhere? If the House did allow this, he would say, they would demolish the independent spirit of the House.

Mr. *Robinson* had said, on a former evening, that he took no part in the discussion, until he heard a noble Member of the Government say that he knew nothing about the appointment, and that he was not able to give any answer. He thought that no one had a right to complain of his putting his *veto* upon the filling up of an office which all parties allowed to be unnecessary. He would ask, was it ever known in that House, that it was not proper for any Member of that House to ask such questions? Whatever inconvenience might have arisen from the discussion of that evening, it was altogether to be attributed to the line of conduct adopted by the Lord Chancellor in the other House; who, not satisfied with making the explanation, which he was called upon to make in his own defence, had stepped out of his way to cast imputations upon a Member of the House of Commons, in a manner peculiarly offensive. If the House was not prepared to surrender the independence of its Members to the Lord Chancellor, it would not suffer such conduct to pass unnoticed. If such proceedings were allowed to go on, it would be necessary at last to adopt serious Measures to check them.

Mr. *Ridley Colborne* confirmed what had been said, respecting the explanation of the Lord Chancellor, and added that the noble and learned Lord further said, that he did not believe that his brother would hold the office a sufficient time to reimburse himself by the fees, for the expenses to which he had been put in accepting it. He trusted that the discussion would be carried on no longer.

Lord *John Russell* said, I should not have entered into the discussion, had not hon. Gentlemen opposite thought proper to do that which is not generally done, by attacking the noble and learned Lord Chancellor, for language attributed to him in a newspaper, and in some measure disclaimed for him; at the same time that they say nothing of the substance of his explanation, respecting the offices which he has given to his brother, but speak as if he had not given any reply to the charges brought against him. I beg to remind them, that the substance of his defence was this—that he still maintained the opinion that those offices ought to be abolished; that he had prepared a bill for the abolition of them, which he had not yet had an opportunity of bringing forward; and that, as there were certain duties which some one must perform so long as the offices existed, he had given them to his brother, as a person in whom he could place the most perfect confidence, and who would not claim compensation on the ground of vested rights, whenever the Legislature should make the necessary regulations for the abolition of the office. If that be not an answer to the charges brought against my noble and learned friend, I know not what answer could satisfy the constitutional and parliamentary jealousy of hon. Gentlemen opposite. Some Gentlemen have laid much stress upon the words of the Lord Chancellor, that he had a right to make these appointments. Surely, I say, when his filling up the offices was made the subject of a grave accusation against him, by a Member of the House of Commons, he could not very well do otherwise than assert, in his vindication, that he had a right to make the appointment. It is not fair dealing on the part of the hon. member for Worcester, and other hon. Gentlemen, to say that we find fault with them for asking a question respecting the filling up of any office which may have become vacant. We do no such thing. It is the right of every Member of this House to ask such questions, even if, in doing so, he should exceed a little, in constitutional and parliamentary jealousy. We have not complained, Sir, that questions were put, such as we ourselves were accustomed to put, when we sat upon the other side of the House. Every Gentleman in this House has a right to put such questions; but, perhaps, some Gentlemen opposite, from not having had so much experience in opposition as we had, from not having served so long an apprenticeship as we served, have not yet learned to put their questions in a proper manner. Thus it was, perhaps, that the hon. and learned member for St. Mawes put his question in such a way, that as my noble friend, the Chancellor of the Exchequer, remarked in his reply, it was impossible to pick the question out of the invective which surrounded it. When the hon. and learned Gentleman was accused of having made a violent philippic, he denied the charge, intimating, that if he did not deliver a violent philippic last night, he would take an early opportunity of doing so. I cannot help thinking that the whole of this debate would have been avoided, if the hon. and learned Gentleman had contented himself with asking a simple question about the continuation of the office in question, or the compensation connected therewith. If he had done this, he would not this evening have had to complain of the language he supposes to have been used by the Lord Chancellor; and, in my opinion, so far from what has taken place, acting in future as an impediment to questions being put, I think it will only prove a useful precedent for inducing Gentlemen to ask real *bonâ fide* questions, and not to take the advantage of no one being present to answer them, for spreading latent accusations against those who are absent.

Sir *Henry Hardinge:* It appears to me that the lecture we have just heard from the noble Lord, has been delivered for the purpose of preventing any similar questions being ever again asked in this House. The greater part of the noble Lord's speech referred to the vindication of the noble and learned Lord; but no one has found fault with the noble and learned Lord for entering into that vindication. The complaint of my hon. and learned friend referred to the terms of which the Lord Chancellor thought proper to make use in the course of that vindication; and, for myself I beg to say, that I think that those terms were excessively indecent, and that the language was of a most opprobrious kind. When we look at what certain members of the present Cabinet have done, are we, indeed, bound to suppose that they are so very immaculate on the subject of sinecures? I remember, that, according to the Report on the Civil List, the Lord Privy Seal said, that he found so little to do in his office, that he really could not think of touching any of the fees, or of taking any of the salary; the Postmaster General also stated that he could, on no account, take his salary, when he saw his neighbours round Goodwood suffering so much from the distressed state of the country; and yet now both these noble Lords were in the receipt of their salaries, and had, therefore, shown that they were not altogether free from human infirmity. In my opinion, the question of my hon. and learned friend was quite fair; all that he did was, to ask whether this sinecure office was to be given up, or not, and to that question no Cabinet Minister had been able to give an answer. Under these circumstances, I think that my hon. and learned friend has a most decided right to complain of the Lord Chancellor having used terms so indecent and improper. The noble Lord (Althorp) has rightly said, that he thinks it wrong for the Members of the two Houses of Parliament to be bandying phrases, and to irritate each other by accusation on one side, and recrimination on the other. In that opinion I quite agree with him. But is this an isolated case? Quite the contrary. The Lord Chancellor of Ireland, following the example of the Lord Chancellor of Great Britain, took an opportunity last night of attacking the hon. member for Dundalk, and of stating that that hon. Gentleman had rendered himself odious as a Member of Parliament to his constituents. How dare the Lord Chancellor of Ireland make that accusation, in the absence of the hon. Gentleman? And yet, with such violations of decorum as these staring us in the face, we are to be told, forsooth, that it is indecent to ask what I assert to have been a strictly parliamentary question. To what do these examples amount? Here we have the Lord Chancellor of England, high on account of his station, and still higher on account of his abilities, in conjunction with another noble and learned Lord, pursuing a course directly opposite to their duties as Peers of Parliament; a course, too, which, if not resisted, must put an end to the freedom of debate in this House. Reference has been made in the course of the debate to the Duke of Wellington not having taken any notice of the expressions made use of last night, by the Lord Chancellor. Now, I beg to say, that I am satisfied that if my noble friend had been aware of the manner in which my hon. and learned friend put the question in this House, and if he distinctly heard the epithets applied to my hon. and learned friend by the Lord Chancellor, I know the gallant nature of my noble friend, and his steady friendship to my hon. and learned friend, too well to believe that he would, for a moment, have allowed such expressions to pass unnoticed.

Mr. *Robert Palmer* thought that too much time had already been occupied by this debate. If the Lord Chancellor had used the expressions imputed to him, no one could help regretting it; but he (Mr. Palmer) must confess that he could not bring himself to believe that those terms had been made use of.

Mr. *Robert Gordon* defended the Duke of Richmond and Lord Durham; and said, that in taking their salaries, they had only acted in conformity with the express desire of the Civil List Committee.

Mr. *Poulett Thomson* confirmed this statement, and observed, that the request of the Committee had been backed by the whole of the colleagues of his two noble friends.

Mr. *Cressett Pelham* was not satisfied, and on Monday next, he would bring the whole question fully under the consideration of the House.

Order of the Day read.

WAYS AND MEANS—THE BUDGET.] The House went into Committee of Ways and Means.

Lord *Althorp*: I rise, Sir, to lay before the House that financial statement which it is my duty to bring under the consideration of Parliament. I am quite aware, that the circumstances under which I present myself are such, that I cannot come forward with any sanguine views of the future, or gratulatory recapitulation of the past. I am quite aware, that my statement must be one which a Chancellor of the Exchequer has been unaccustomed to make of late years; and, therefore, I have to throw myself on the indulgence of the House. Under these circumstances, I am conscious that there is only one course which I ought to pursue, or which I can pursue, and that is, to detail fairly and plainly what the state of the case is with respect to the revenues of the country, not endeavouring, by either disguise or concealment, to deceive the House or the country on any one item connected with that revenue. This, I am sure, is the best mode for me to adopt—the only justifiable mode for any Chancellor of the Exchequer. Now, Sir, the view which I have to present to the House of our finances must apply, in the first instance, to what is past, before I enter into the question of what I think likely to be the prospect for the present year. In consequence of the change that has taken place in the reckoning of our financial year, it will be necessary, when referring to what is past, to take the year as ending on the 5th of January; but, when I come to the consideration of the prospect for the present year, in order to make a fair comparison, it will be most proper for me to take the year as terminating on the 5th of April. With these preliminary observations, I shall now immediately proceed to the statement which I have to make. Sir, I will begin by stating the circumstances of the revenue during the year of 1830, and then proceed to compare those circumstances with the circumstances of the present year. The national income of the year 1830 (ending 5th of January 1831) was 50,056,616*l.*, and the expenditure was 47,142,943*l.*, leaving a surplus of 2,913,673*l.* The expenditure of 1831 was, within 19,646*l.*, the same as that of 1830; that is to say, the expenditure of 1831 was 47,123,297*l.* This similarity of amount does not arise from the equality of the votes of the two years (for the votes of 1831 exceeded those of 1830), but is owing to there being a saving in 1831, from the reduction of the four-and-a-half per cents, to the amount of 777,433*l.* To account for the increased expenditure, I ought to state, that there is an increase in the Army Estimates of 225,130*l.*; on the Navy Estimates, of 380,252*l.*; and on the Miscellaneous Estimates, of 743,490*l.*, from which we have to deduct the Civil List charges, amounting to 322,711*l.*, leaving a balance of 420,779*l.* These sums together amount to 1,026,161*l.* In the Ordnance Estimates, however, there is a decrease of 140,964*l.* From the Unclaimed Dividends a sum of 127,400*l.* would be derived, and these sums together, deducted from the excess above mentioned, left 757,797*l.*, which makes, as I have already stated, a diminution of expenditure in 1831, as compared to 1830, of 19,646*l.* It was thus evident, that, had the income of 1831, been equal to that of 1830, there would have been a surplus of 2,933,319*l.* But great reductions having been made in taxation in 1830 and 1831, the revenue of the latter year necessarily fell off to a considerable amount. Thus the revenue of 1830 was 50,056,616*l.*; that of 1831 was 46,424,440*l.*, showing a deficiency of 3,632,176*l.* in the latter year. This decrease has taken place p incipally in the Customs and Excise, the decrease in the Customs being 1,024,052*l.*; in the Excise, 2,341,360*l.*; making together 3,365,412*l.* There has also been a decrease in the Stamp Duties of 110,292*l.*; and in the taxes arising from deferred collection, owing to the abolition of Receivers-General, of 149,062*l.* There is also a deficiency in the miscellaneous revenue, from several large payments having been made into the Exchequer in the previous year, on account of surplus of four-and-a-half per cent duties, and hereditary revenue of Scotland, of 113,030*l.* These sums together make 372,384*l.*, which, added to the 3,365,412*l.* make altogether 3,737,796*l.* From this sum, however, there must be deducted an increase in the Post-office of 64,194*l.*; and a sum from Unclaimed Dividends 41,426*l.*, making together 105,620*l.*, which, being deducted from the sum I have already stated, will show a decrease of income in 1831, as compared with 1830, of 3,632,176*l.* These items refer to the year ending the 5th of January. The House is aware, as I have already stated, that the expenditure of 1831 amounted to 47,123,297*l.*, and the income to 46,424,440*l.*; consequently there was a deficiency of 698,857*l.* I have already shown, that the diminution of the income of the year was 3,632,176*l.*; and we now see that the deficiency, as compared with the expenditure was 698,857*l.* Of course, we must deduct the amount of the surplus, in order to show the deficiency of the year; and it, therefore, appears, that the state of the revenue at the commencement of 1832 was, that instead of having a surplus of 2,913,673*l.*, as in the commencement of 1831, though the expenditure of 1831 was 19,646*l.* below that of 1830, there was a falling off to the amount I have already shown, of about 700,000*l.* It is right, however, that I should remark, that this result arose not at all from any falling off in the consumption of taxable articles, but from a diminution in the amount of the taxes. A large reduction was made by the right hon. Gentleman, my predecessor, in 1830, a considerable portion of which came into the income of 1831; and I myself also made large reductions—reductions which, together, have turned out larger than the income of the country could afford. The reduction in the Customs on coals and slates has been about 900,000*l.* on barilla, 90,000*l.*, and on sugar and molasses, 300,000*l.* besides which, there has been a deficiency in the corn duties of about 200,000*l.*; making altogether a deficiency of 1,485,000*l.* which, however, has nothing to do with the consumption of the people. In the Excise, the reductions have been still greater; the reduction in the beer tax amounts to 2,350,000*l.*, on leather to 200,000*l.*; on cider, to 50,000*l.*; and on printed calicoes, (including the drawback), to 675,000.; besides which, there has been a diminution in the candle duty to the amount of 20,000*l.*, chiefley arising from an expectation having been formed that some reduction in that duty would take place. Altogether, these reductions amount to 3,295,000*l.* which, added to the reductions of the Customs, make the reduction as compared with the former year, 1,414,588*l.*, that is to say, the loss on Customs in 1830, was 1,024,052*l.*, and on Excise 2,341,360*l.*; which, being added together, make 3,365,412*l.*, leaving a balance, as I have already stated, of 1,414,588*l.* when compared with the same items in 1831. But the deficiency of the revenue as I have already stated, is 3,632,176*l.*; and, therefore, the statement that I have just made proves that there has been a considerable increase in the consumption of other taxable articles during the year. I think this circumstance must prove satisfactory to the House. For myself, I have, perhaps, been too sanguine, for I certainly did expect a greater increase of consumption; but, at all events, it is gratifying to find that so large an increase has actually taken place; and whatever disappointment I myself may have personally felt at not finding my expectations realized, this increase is still a subject of congratulation which I feel bound to press upon the consideration of the Committee. It is now my duty to state, that the deficiency which existed at the end of the year was in proportion considerably augmented at the end of the April quarter; the reason of this is, that a large portion of the Estimates voted in the preceding year came to be expended during the first quarter of the year 1832, and, consequently, the Estimates that had reference to the first quarter were not diminished in their amount. It is owing to this circumstance that the deficiency on the 5th of April amounted to 1,240,000*l.* This certainly is a large deficiency of income, and ought, I admit, to be regarded with general regret. The mode in which the Government has endeavoured to meet this deficiency has not been by the proposal of any new taxes; but we have tried to the very utmost to make reductions in the Estimates of the year; these reductions, however, could not take effect previous to the month of April, and, therefore, as yet they have not been brought to bear upon the deficiency I have just stated. We have reduced the Estimates, as the House is aware, to an amount that altogether is not less than 2,000,000*l.* We have also looked to reduction, as far as we could, in the amount of the expenses of the different public offices. With respect to the late Administration, I must do them the justice to say, that they acted with great vigour in this way. On referring to their labours, I find that in 1828, the first year of the Duke of Wellington's Administration, the reductions effected amounted to 188,911*l.*; in 1829, they were 42,019*l.*; in 1830, they were 109,129*l.*; making together 340,089*l.* This certainly was a large reduction, and of course rendered it the more difficult for us to continue and extend these diminutions. The reductions, however, which we were able to make during the first year we were in office amounted to 234,353*l.*; and, during the present year, I think that I am below the mark, when I state that they will amount to 100,000*l.* I therefore think that we have a fair claim to say, that we have exerted ourselves to some effect as far as we have gone, and I trust that we shall find ourselves able to go on in the same course. This, I apprehend, is the only mode in which the deficiency ought to be made up; but I am prepared to say, that if it appears that we cannot make reductions sufficient to meet the income of the country, it will be absolutely necessary to appeal to Parliament to strengthen the resources of the country for the payment of its expenditure; and I am perfectly satisfied, that, after I shall have proved that the reduction of the expenditure has been carried as far as is consistent with the safety, interests, and honour of the country, I shall not fail to receive the support of the Parliament, even if it should be my misfortune to have to propose such a measure. I now think it desirable that I should explain to the Committee the mode in which this deficiency has accrued. In January, 1831, there was a surplus of 2,913,670*l.*; in April, that surplus was reduced to 2,818,000*l.*, and in July, to 1,895,275*l.* In October, the surplus was changed into a deficiency of 20,538*l.* In January, 1832, this deficiency had increased to 600,000*l.* The deficiency went on increasing to the end of the April quarter of this year, when it amounted to 1,240,000*l.* In the last quarter—that is, the July quarter, the progress of the deficiency seems to have been stopped, at least it was only increased by 32,774*l.* I need not state to the right hon. Gentleman opposite, that it is necessary to look to the whole year, in order to see what the deficiency really is; because, in the October quarter, the expenditure always exceeds the revenue, whilst in the other quarters the revenue generally exceeds the expenditure, and the House will observe that it was in the October quarter of last year that the revenue was reduced from a surplus of nearly 2,000,000*l.* to a deficiency of 20,000*l.* Having stated, as clearly as I am able, the condition of the revenue up to the present time, I will now proceed to explain the view I take of the revenue of the present year. I will first of all state the expenditure of the year ending the 5th of April, 1832, and then compare it with the expenditure of the year ending the 5th of April, 1833, according to the Estimates already voted.

	£.
The charge for the interest of the Public Debt was, for the year ending the 5th of April, 1832, ..	27,680,826
Interest on Exchequer Bills	662,984
Other charges upon the Consolidated Fund	1,741,384
Army expenses	7,551,024
Naval expenses	5,842,835
Ordnance	1,478,944
Miscellaneous	2,900,430
Making a total of	47,858,427

The expenditure for the current financial year, ending 5th of April, 1833, will stand thus:—

	£.
Interest on the National Debt ..	27,680,000
Interest on Exchequer Bills	685,000
Other charges upon the Consolidated	

Fund	1,971,000
Army expenses	7,087,682
Naval expenses	4,878,635
Ordnance	1,424,688
Miscellaneous	1,969,371
Making a total of	45,696,376

The expenditure of last year having, as I have already shown, amounted to 47,858,427*l.*, there will be a decrease in the expenditure this year of something better than 2,000,000*l.* I have now to state the probable produce of taxes and other sources of revenue, and to lay before the House the means generally by which his Majesty's Government proposed to meet the expenses of the current year, and this statement I shall endeavour to make as clearly and as accurately as I can; and in looking to the future, I hope I shall succeed in laying before the House matters as they actually are; and I can sincerely assure them, that I have no wish to do otherwise than to endeavour to render a strict account of the financial condition of the country. I shall begin this part of the subject by stating, that the Customs' duties for the year ending the 5th of April last produced a revenue of 16,275,000*l.* I expect that, in the year ending the 5th of April, 1833, the duty on imported cotton will cause an increase amounting to 260,000*l.*; while the saving from the discontinuance of the linen bounties will amount to 100,000*l.* I also expect an increase of revenue from the duty on tobacco. The duty on this article has gone on regularly increasing for a long time past. In the year 1830, it was 2,858,000*l.*; in 1831, it amounted to 2,910,000*l.*, and in the year 1832, it rose to 2,995,000*l.* I think I am justified in expecting in the present year an increased revenue from tobacco that will yield 35,000*l.*; and I think the House will agree with me, that I am also warranted in anticipating from the wine duties an equal amount. True it is, that in the last year there was no increase, but that is easily accounted for by the circumstance, that people being aware that a change was about to be effected in the scale of duties, availed themselves of the long notice to lay in large stocks, and therefore I think I have a full right to expect, that in the course of the ensuing year there will be an increase, and I think it will be admitted that I am not going too far in stating that increase at 35,000*l.* Taking then 260,000*l.* for cotton, and 70,000*l.* for the other two, I may calculate that we shall have in the Customs, a total increase of 430,000*l.*; let that be added to 16,275,000*l.* and it gives the whole amount of Customs 16,705,000*l.* We must, however, deduct from that a sum of 500,000*l.* being the amount of duties received upon corn, which I hope we shall hear nothing of this year, the prospect from the harvest being so good that I trust we shall this season have no necessity for any importation of foreign corn. For this reason, then, I feel bound to make from this sum a deduction of the 500,000*l.* I have further in this place, to observe, that we must make a reduction of 100,000*l.* more on account of the diminutions which the new scale of duties contained in the schedule to the Customs Duties' Bill; and there must also be a deduction of 80,000*l.* on account of sugar duties. We shall then have a total of 830,000*l.*; which being deducted from the gross sum of 16,705,000*l.* leaves a remainder of 15,871,000*l.* as the probable produce of the Customs for the present year. I think, then, as far as I can judge, that no one will say I have exaggerated in any of these cases, and that it will turn out that I have been perfectly justified in the anticipations in which I have indulged. I am perfectly ready to admit, that the income of the country has not, during the last two years, at all come up to what might have been the expectations formed of it two or three years ago; but I have no difficulty in saying, that it will appear that two of the causes which have kept down the amount of the revenue are causes that will no longer continue. The two causes to which I allude are the political excitement which has for some time past prevailed throughout the country; and the other, though one to which I never attached much importance, yet it did materially affect the Customs—I mean the prevalence of Cholera. I am sorry to say that the cause still continues, but we have every reason to hope that its operation will not be of long duration. The third cause to which I attach the most importance, as having tended to depress the revenue, is the state of the currency. It is well known that, during the past year, the currency has been gradually contracting —that throughout the whole of that period, the exchanges have been decidedly against this country, and that has, of course, produced a considerable stagnation of trade; but, fortunately, it is a cause which no longer exists, and is not likely in future to operate. The exchanges are now in favour of this country, and thus that which I considered the principal cause of decline may now be considered at an end. Having said so much about the state of the Customs, I now come to the subject of the Excise. In the year ending the 5th of April last, the Excise amounted to 16,516,632*l.* I think I may calculate that the increase of the malt duty will this year amount to 220,000*l.*—that the duty on hops will be 156,000*l.*—that the drawback upon printed cottons may be estimated at 165,000*l.*, and that several minor matters will, taken together, yield 150,000*l.* From the total of these items, we must make some deduction, for instead of our having as was calculated, an addition of 600,000*l.* in the spirit duties, there has been a falling off in these to the extent of 191,000*l.* Not that I believe the consumption of spirits has materially diminished within the time, but there has been only a small stock kept on hand, and I have no doubt that there will speedily be such an increase as to make good any temporary deficiency that may exist; therefore I think we may assign some portion of the 150,000*l.* to the increase that may reasonably be anticipated in the spirit duties. Then, if we allow for the improvement that may be expected from the increased income arising from auctions, licenses, paper, soap, starch, and vinegar, we shall obtain a total of 204,600*l.*; but taking these at only 150,000*l.* it will not be said that I am sanguine in fixing the increase in the malt and hop duties, and the others that I have mentioned, at 631,000*l.*, which will give for the Excise a total of 17,207,632*l.* I am aware that from this we must make a deduction of 350,000*l.* for the repealed duty on candles, which will leave the nett sum 16,857,632*l.* As to stamps and assessed taxes, I will take them at the same amount as last year. Then, as I have before stated, we have the Customs 15,807,000*l.*; Excise, 16,857,632*l.*; the stamps upwards of 7,000,000*l*, with the assessed taxes and the miscellaneous sources of revenue the same as before, yielding a total of 46,470,000*l.* The Estimates for the current year, with the expenses of the Consolidated Fund, amount to 45,695,376*l.* and the surplus arising from the year ending the 5th of April 1833, to 773,624*l.* This of course will be set against the deficiency of the year 1832, which will reduce the deficit upon the two years to 466,789*l.* Hon. Members, I trust, will do me the justice to admit that I have endeavoured to state the prospects of the country as low as I possibly could. For the year now going on, the revenue, as compared with the estima es; ought to yield a surplus of 770,000*l.* I believe I have now stated—at least as far as my recollection serves me—I have stated all that is necessary in this the first opportunity I have had in the present Session of laying before the House the views of his Majesty's Government respecting the income and expenditure of the country; and I do not think it at all necessary for me to occupy the attention of the House any further, reserving to myself the privilege of giving hereafter any explanation that may be required. I have now to state in conclusion, that after the most deliberate consideration of the subject, his Majesty's Government has arrived at the determination of proposing the renewal of the sugar duties. Filling the situation which I do, I am of course called upon to move such renewal. My intention in rising was certainly to conclude with this Motion; but I thought, and I am sure the House will concur with me, that I ought not to have made any such proposition without entering into a full financial explanation. If there were room for a reduction of those duties, there is no one who would feel greater pleasure than I should in proposing such a reduction. I have not lost sight of the fact that we have been told, that with a failing revenue we ought to endeavour to revive it by encouraging an increased consumption through the means of diminished duties; and it is further urged that with the prospect of a deficiency, it is not of much importance whether that deficiency be a little more or a little less. I confess I cannot understand the force of this reasoning; but with respect to the fact, I may take leave to observe, that we have no ground for anticipating a deficiency in the revenue, and surely, with any prospect of a surplus, we should not be forward to relinquish any source of revenue. In a word, I think the House will agree with me, that the argument to which I am now referring does not apply to the present state of things. I regret to say, that, in the situation in which I stand I find myself called upon to move the renewal of these duties without any reduction whatever; and it only now remains for me to put a resolution with that view into your hands. The noble Lord then moved a resolution, declaring that it was the opinion of that Committee, that the several duties hitherto levied on sugar and molasses, be continued till the 5th of April, 1833.

Mr. *Goulburn* said, the late period of the Session at which the noble Lord had brought forward his financial statement would prevent him from occupying the time of the House at any length. Even had it been brought forward earlier, there was not much in the speech of the noble Lord that required him to go at any length into financial observations. One fact was abundantly clear from the speech of the noble Lord, that at present there was a deficiency of means to meet the expenditure of the country.

Lord *Althorp* : I have stated that there will be a surplus of 770,000*l.* this year, but that on the two years, 1832, and 1833, there is a deficiency.

Mr. *Goulburn.*—There would, according to the noble Lord's statement, be a deficiency at the end of the current year, on account of 1832, although in this year there was a surplus. The noble Lord would recollect that, on the occasion of his making his first financial statement to the House, he had warned the noble Lord against adopting that system of finance which the noble Lord then developed, because he knew perfectly well that the result must be a deficiency of means to meet the expenditure. That now turned out to be the fact.

Lord *Althorp.*—There is no deficiency with respect to the current expenditure. There is, on the contrary, a surplus which would be absorbed to meet the debts of the last year.

Mr. *Goulburn* contended that there was, in fact, an actual deficiency. If he had a limited income, and in one year, got so much into debt, that he could not pay off that debt in the ensuing year, would not his means, to that extent, be deficient? It was obvious, notwithstanding this alleged surplus, that, at the end of the second year, a certain portion of debt would still remain. There would evidently be a deficiency in the receipts of the country, up to that time to meet its expenditure. It had been very truly remarked, that no country could be said to go on well, with reference either to its internal or external affairs, if its finances were not so regulated as to meet its expenditure, and to leave a surplus. If this were true with respect to other countries, how much more strongly did it apply to this country, loaded, as it was, with heavy debts, contracted during a long series of wars. The great object of the Government ought to be to get rid of that superincumbent load of debt which pressed so heavily on the country. If, as had been said by a very high authority, it was right that this country should be enabled to hold a high hand amongst the nations of Europe, to excite the confidence of its allies, and to work on the fears of its enemies, if she were likely to be called on to make great exertions, the possibility of which had also been alluded to by the same high authority —then did he, considering these circumstances, view with still deeper concern the statement of the deficiency of means to meet the expenditure. In such a state of things, could this country take that imposing attitude which they had been told she might find it necessary to assume? Could she, when it appeared on the face of these accounts that her means were limited, take that commanding place in Europe which she ought to hold? The state of the finances of England was to her all important. She could not compete with continental powers so far as military force was concerned; and she had been enabled to cope with them by her unimpaired credit, and by her extraordinary financial resources. He did not mean to assert that those resources were in a dangerous state. No; but it did appear to him as if they were now so situated that they could not, if called upon by any sudden emergency, make a great and efficient exertion. Last year the noble Lord had taken from the Consolidated Fund 14,000,000*l.* or thereabouts. This was managed by sending forth Exchequer Bills, payable out of that fund in the first quarter of the succeeding year—that was, in the month of April. Such was the ordinary course of that financial operation. But, on the best calculation which he could make, he rather apprehended that the payment of the charge on the Consolidated Fund for 1832, on account of Exchequer-bills issued for the service of 1831, must necessarily be postponed to a much later period than was usual, according to ordinary financial practice. It would seem that the resources of the country had been anticipated to a very considerable extent, but to what extent he, of course, could not undertake to say. Coupling the large amount of unfunded debt with this circumstance, he would ask the noble Lord whether, if any contingency arrived which rendered it necessary to raise a large sum of money, he would not find difficulties in his way, that might prevent this country from taking that lofty attitude which she ought to assume? On these grounds, he expressed his regret at the statement of the noble Lord. He did not mean to cavil at any of the items enumerated by the noble Lord. Indeed, it would be very difficult, after hearing a long statement of figures, to attempt anything like an analysis of the noble Lord's assertion. He would, however, observe, that with reference to some calculations which he had himself made, he differed from the noble Lord. Looking, however, to the receipts of the revenue, from the beginning of the present year, and particularly considering the Excise department during that period, he was led to believe that the calculations of the noble Lord would not, on the whole, be falsified. On former occasions, it had been customary to take the probable expenditure of the year, and to place the probable receipts against it. Now, the noble Lord calculated those estimates, as commencing in the April of one year, and ending in the April of the next; and he stated the gross amount of the Estimates. He thanked the noble Lord for stating what the gross amount of those Estimates was; because, looking at the papers with which these estimates were connected, he found, from the manner in which they were prepared, that it would be exceedingly difficult to arrive at a correct conclusion. Some of those Estimates appeared to be voted for five quarters; others for four quarters. Some were made out with reference to existing balances, and others without any such reference. If, therefore, there were considerable reductions made, as he admitted, yet they ought, to decide on the financial merits of the noble Lord, to be balanced against the surplus in hand, reckoning by the ordinary financial year. He would not, however, dwell on this subject. The noble Lord relied on making further reductions in the revenue departments, besides those he had already made; on looking, however, to the state of those departments in 1824, he could not discover the large reductions for which the noble Lord took credit. He did not believe the reductions of the noble Lord would exceed 60,000*l.* or 70,000*l.* which was much below the comparative statement of the noble Lord. The House would recollect that when the noble Lord proposed the alteration of the wine duties on a principle of revenue, he and his friends had stated, that, as a matter of revenue, that alteration would not answer the calculations of the noble Lord. It was not, however, as a matter of revenue that he had objected to that alteration, so much as an infringement on the comfort of the consumer. He had then stated, that a great reduction of the consumption would take place if the duty on that wine which was used by the majority of the middle classes was raised, which would not be compensated by the increased consumption caused by lowering the duty on the higher priced French wines which were used by the rich. The statement of the noble Lord, this evening, had showed that his proposition had not been justified. Much of the increased duty the noble Lord had taken credit for arose from the duty on all the stock in hand; and when that was deducted, it would be proved that the consumption had not increased. Up to the 14th of the present month, the latest period to which the returns had been made out, the diminution of the consumption of Portuguese and Spanish wines was 274,000 gallons, while the increase of the consumption of French wines was only 15,000 gallons. In the ensuing year, therefore, when there would be no stock in hand to levy the increased duty on, the noble Lord would not find any increase of consumption to warrant that calculation he had made of an increased duty. The noble Lord anticipated that the increase of the revenue from that source would be 180,000*l.*; but when the wine in bond was taken into consideration, it was not likely to produce more than 35,000*l.* He, therefore, had no reason whatever to change the opinion he had formerly given. He should like to know what we had gained from France as an equivalent for the indulgence we had shown to her wines, as he remembered that what France was to do in this respect, was held out to the House at the time the change was made, as an argument to induce it to consent to the change. He had not yet seen any similar indulgence granted by France to any of our productions, and not seeing that, he could not say, that the alteration was more recommended by promoting an intercourse between the two countries, than by increasing the revenue, and promoting the consumption of French wine. The noble Lord had adverted to the increase of the malt duty, which he had heard with great satisfaction; because, without arrogating any merit to himself, he might be permitted to remind the House, that when he had proposed the abolition of the duty on beer, he had stated, that he anticipated there would be an increased consumption of beer, and a diminutive consumption of spirits. He had, therefore, heard with satisfaction, as an evidence of the increased consumption of beer, that the consumption of malt had increased nearly one third. He was also happy to understand that there was a considerable decrease of the quantity of spirits consumed. The hopes, therefore, which he had formed of the people abstaining from the consumption of that nefarious compound (gin), and taking to the use of a more wholesome beverage, had not been falsified. As he understood from the noble Lord, that illicit distillation had not increased, he hoped that in the ensuing year the consumption of spirits would decrease still more. He would not further detain the House. He believed that the noble Lord was not too sanguine in the hopes he had formed of the resources of the country; and there was every likelihood that those hopes would be realised under the ordinary circumstances of the country. If there were no necessity for the country to make any new and greater exertions—if there were no new and unforeseen calamity—he should be willing to run the hazard for the four next quarters, though there was a deficient revenue. But when he contemplated the probability of there being a call upon us for greater exertions, and when nothing was done to diminish, but rather to increase, the accumulated pressure upon our finances, he could not look forward with anything like hopes that the deficiency would be supplied. He derived some hopes, indeed, from understanding that the noble Lord had abandoned his ideas of further reducing taxation;—he derived some hope from hearing the noble Lord express regret at the deficiency of the revenue, which made him believe that the noble Lord would return to the old practices, and endeavour to place the finances on a solid footing. At present, certainly, he looked forward with some apprehension to the revenue being insufficient to meet the expenditure. He was satisfied that if some efforts were not made to obtain a surplus, though it might not be a large one, we might be exposed to great difficulties.

Lord *Althorp* explained, that there was no danger that the deficiency bills would not be paid off as they came due in the current year. He conceived that the apprehensions of the right hon. Gentleman were destitute of foundation. The right hon. Gentleman, too, was mistaken, in saying that the comparative Estimates should be for five quarters. As they were not calculated to include the surplus, but only from April to April, there were only four quarters on which the comparison was founded.

Mr. *Goulburn* explained, that his allusion was not to the deficiency bills, but to the bills charged on the Consolidated Fund.

Mr. *Keith Douglas* did not think it necessary to go into all the details of the statement of the noble Lord; but he must say, that there was not a man in the empire who did not look with great apprehension at the present state of our revenue, as growing out of the paralysed state of our trade and manufactures. The noble Lord admitted, that up to January last year, the deficiency of the revenue was 1,200,000*l.*; and the noble Lord expected that up to January 1833, the increase would be 800,000*l.* He should like to know, in the present aversion from speculation and present dulness of trade, when no man entered into any concerns beyond what were indispensable, how the noble Lord had founded his expectation? Numberless inquiries had been made by Parliament, but nothing had been done, and there would be the same uncertainty in trade hereafter as there had lately been. He therefore saw no good grounds for the noble Lord's anticipations, particularly as there was a probability that we might be called on, from the state of the Continent, to make further and expensive exertions. The noble Lord had made a strange admission in saying that he should not propose, in the present state of the finances, to make any reduction in the sugar duties. That was all the noble Lord said of the colonies. Formerly, the noble Lord had held out hopes of an improved fiscal policy being adopted towards the colonies, which was to be made known to the House of Commons. The noble Lord had, however, not said one word on the subject, to which the Government was so strongly committed. The hon. Member quoted the despatch of Lord Goderich, dated December 26, 1831, stating that a measure of financial relief for the colonies would be submitted to Parliament during the present Session. Why did not the noble Lord explain what measure was meant? After this announcement, an explanation was required. He must complain of the noble Lord not having given any explanation why this plan was abandoned, or why it was not brought forward. It was most careless in the Government, after it had propagated an edict, which had created a considerable excitement in the colonies, that it had not, upon this the proper occasion, taken the least notice of its own promises.

Lord *Althorp* had not entered into any explanations as to the colonies, because the measure of relief was conditional on the adoption of the Orders in Council. In the Crown colonies, which had acted on these orders, it was intended, as the fairest means of relief for them, to remove a part of their local taxation. That, he believed, would give them a great relief, while it would not injure the sale of the produce of any other colonies.

Sir *Henry Parnell* said, that it did not require any great extent of figures and calculations to explain how the deficiency of the revenue had arisen. The cause of it was simply this—that the present and last Ministers of Finance had repealed a greater amount of taxes than the proper sources of supply for repealing taxes had warranted. In 1830, the late Chancellor of the Exchequer had a fund to enable him with propriety to repeal taxes to the amount of four millions, consisting of the following items:—1st, the surplus of the revenue of 1829, amounting to nearly 2,000,000*l.*; 2nd, the reduction the Duke of Wellington had made in the expenditure, to the amount of 1,000,000*l.*; and 3rd, the reducing of the interest on the four per cent stock, and on Exchequer Bills, amounting to nearly 1,000,000*l.* This was the whole of the fund, namely, 4,000,000*l.*, which had existed since 1829, to justify a reduction of taxation. But the late Chancellor of the Exchequer exhausted the whole of this in 1830 by the taxes he repealed, and the further repeal by the present Chancellor of the Exchequer, of taxes in 1831, to the amount of 1,500,000*l.*, made it quite evident how a deficiency of 1,200,000*l.* had taken place. It was but fair, however, to say, that the present Chancellor of the Exchequer did not propose his reduction of taxes on the ground of any existing surplus of revenue, but on a plan by which he intended to make good the sum he might lose by repealing taxes, by laying on others of a less objectionable kind in their stead. In this he had been defeated by the House refusing to agree to the new taxes he proposed; and although, under such a circumstance, the noble Lord would have acted more prudently by not going on with his intention to take off taxes, yet allowance should be made for the difficulty he was placed in of refusing to afford the public relief after having held it out to them. It was not his intention on this occasion to go any further into details of the reductions which were now proposed, but to make some general observations on the state of our finances. What he particularly wished to impress upon the House and the public was, that our object should not be confined to merely making good the existing deficiency of the revenue, but to make a large reduction of the present expenditure. He was willing to give credit to the noble Lord, and place confidence in his promise that he would do what lay in his power to diminish the expenditure; and he must add, that the noble Lord, if he continued to hold the office of Chancellor of the Exchequer, which it was his wish he should do, would be the first Minister of Finance who would really be able to accomplish a great reduction; for he believed that no Chancellor of the Exchequer, up to that moment, however sincerely disposed to make an efficient retrenchment, had the power to make one, controlled as he was by all the adverse influence which governed majorities in that House under the old system of Representation. The noble Lord would be relieved from the pressure of those influences which had existed out of this House as well as in it, and at the same time he would be impelled to be economical by the new influence which would grow out of Reform in Parliament, by a different description of Members being chosen by the new electors of the United Kingdom.

In this way he looked forward to seeing that the first great practical benefit the public would derive from the Reform of Parliament would be an efficient financial Reform. With respect to the practicability of making a great reduction in the expenditure, he entertained no kind of doubt. In the collection of the revenue, very little had been done to diminish the charge of it, as already stated by the right hon. Gentleman below him (Mr. Goulburn). This charge amounted to about 4,000,000*l.* a year. A single circumstance, which he had stated elsewhere, and which had never been contradicted, was sufficient to prove the possibility and necessity of reducing it—namely, that some years ago a much larger amount of annual revenue was collected for a much smaller cost of collection. As to the military expenditure, if the same principle was adopted, namely, consolidation of departments, as that which had been so laudably carried into effect by the First Lord of the Admiralty with regard to the naval departments, a great saving would be the result. The management of the military expenditure was now scattered over a great many departments, which led to a very unnecessary expense, and to the business being less efficiently performed than it would be under a different system. Why, he would ask, was any opposing influence allowed to stand in the way of such a Reform, when no opposition had been made by the Government to the Reform made in the naval department by the First Lord of the Admiralty? He entirely agreed with the right hon. Gentleman opposite (the Secretary at War), that it was not at all understood how little power the Secretary at War had to regulate the finances of the army. His authority was little more than nominal; for, in point of fact, he acted so much under the control of those who had either a caprice for, or an interest in maintaining, a large military expenditure, that he could not make those retrenchments which he might consider necessary to be made. The gallant General below him (Sir George Murray) had said that the Commander-in-chief was under the control of the Secretary at War. To this statement he could not give any contradiction; but it was a statement of only one half of the case. The gallant General omitted to say, that the Secretary at War was, at the same time, very much under the control of the Commander-in-chief. It was quite notorious that for a number of years a contest had been carried on between Secretaries at War and Commanders-in-chief, as to the respective rights and the functions belonging to these offices; and those who knew how that contest had once been brought to something like a settlement were well aware that, by the rules laid down, the Secretary at War was placed in a situation that made his power over the finances of the army in a considerable degree subservient to the control of the Commander-in-chief. It remained so at this time, and he had no hesitation in saying, that some new arrangement must be made with respect to the duties and powers of these offices, to render the Secretary at War that efficient and responsible Minister of the Crown which he ought to be. He quite agreed with every thing the gallant General had said in praise of the present Commander-in-chief; and he was ready to allow, the public were greatly indebted to the Duke of York for the great improvements in our army; but his praise went no further than to the measures regarding the discipline and the command of the army, for he could not bring himself to say, that, in what regarded the finances of it, the interference of Commanders-in-chief had been of advantage to the public interests; although, with respect to the noble Lord who now filled the office, he personally had no reason to complain, he complained only of the system. As to the future amount of the military expenditure, he had no doubt that, when the several items of the Army Estimates came to be scrupulously investigated by a Reformed House of Commons, it would be found that a great many of them, which had been at all times upheld by military men in the House, as indispensably necessary for the efficiency of the military service, would not be agreed to. There was one more branch of the public expenditure to which he would allude, not but that there were many that he could with propriety mention, namely, that incurred upon the colonies. He thought there was much reason to complain that no Colonial Budget had been laid before the House in the course of this Session. It was now two years since the late Government promised that such a Budget should be produced. Without one, it was impossible for the House to know what they were doing in the financial affairs of the Colonies. No Member could tell what expense was right, and what was wrong. Without knowing what was the revenue of each colony, and what its expenditure it was impossible to understand upon what grounds the House was voting away the public money to make good the deficiencies of the several colonial establishments. If a statement were laid before the House, showing the revenue and the expenditure of each colony, the means would be afforded of taking measures to increase the one and diminish the other; and to do what was of all things the most to be desired—namely, make such arrangements in matters of colonial finance and trade, as would place the colonies in a situation to be able to defray the whole of the expense of providing for their military defence. This was a question of the greatest importance to the people of this country, for although it was not possible to state exactly what the sum was which they paid annually on account of the colonies, sufficient information had been produced to show that it must amount to between two and three millions a-year. Here there was an opportunity afforded of reducing the public expenditure to a great extent, and the public ought not to be contented till full advantage was taken of it. The policy of reducing the expenditure it was right to adopt, on the general principle of its being the duty of Parliament to take no more from the pockets of the people than was strictly necessary for defraying the public services; but might be further illustrated in detail, by showing that it was only by reducing it, that the great defects of our financial system could be got rid of. It was only by reducing it, that we could now take off those most injurious taxes which fell directly on some of our manufactures, such as glass, paper, soap, &c., which were taxes of the worst description, and no effort should be spared to get rid of them. There was also that great disgrace to our financial system, the trade in smuggling, which was created by our own acts. The business the House was occupied with only a few evenings since, of framing new penalties, and setting aside all rules of the Constitution, for more easily detecting and punishing smugglers, was one that was quite discreditable. It would certainly produce a considerable diminution of the revenue, to reduce the duties so as to put an end to smuggling, but as the articles were few which were smuggled, no pains should be spared to diminish our expenditure, so as to admit of this reduction of duties being effected. The expense incurred in one way or other in attempting to suppress smuggling was not short of 1,000,000*l.* a year; yet we quietly submitted to this, as if it was a matter of course, and as if this great evil of smuggling could not be abated. With regard to the power of the country to bear its burthens, he felt no doubt that its resources were amply sufficient. He saw no reason for any despondency. The main causes of continued improvement and of new accumulation of wealth were unimpaired; and whatever might be said to the contrary, industry was still advancing, and would still continue to advance. All that was requisite was a wise and honest management of public affairs; and this we could now calculate upon seeing take place, as the regular result of the change which had been made in the constitution of the House of Commons.

Sir *Robert Peel* thought the noble Lord had acted perfectly proper in laying before the House, as far as he was able, a fair, unvarnished, and candid estimate of the exact state of our financial prospects; and though these, certainly, were not very prosperous, for the noble Lord admitted a deficiency of 460,000*l.* on the current year, yet he did not think that deficiency was such as to give any serious cause for alarm. He agreed with the right hon. Baronet, that there was an elasticity in the resources of the country which ought to teach the House and the nation not to despair. At the same time, he did not think it politic to have a deficiency, for the Government might be driven either to incur fresh debt—and when he spoke of incurring fresh debt, he included the issuing of Exchequer Bills, and all those expedients which were resorted to for the purposes of turning off a temporary inconvenience; or it might be compelled as the only other course which would be open to it, to impose fresh taxes. Now, he thought it much better to keep those taxes which were already laid on, and to which trade had adapted itself, than to repeal them, and then to be driven to impose others in their stead. In the present state of public feeling, however, he must say, that he did not think it possible to keep up a great surplus revenue; and when he recommended Ministers to keep up an excess of revenue over expenditure, he did not contemplate such a surplus as might be appropriated to the purpose of paying off any part of the debt, but sufficient to provide against contingencies and save the country under ordinary circumstances, from the necessity of borrowing. It was much better to maintain a tax to which the people were habituated, than run the risk of being compelled to impose a new one. When a new tax was laid on, many ways were found of evading it, but when it had existed for five or six years, the Excise and Revenue Officers had discovered all the abuses which were practised against the revenue, and were consequently enabled to meet them, and therefore the revenue demands could not now be evaded with that facility to which the introduction of a new system would lead. Capital also had become used to its operation. He spoke of the generality of taxes, and without reference to the extreme case of a tax which might have become particularly odious. This was the gloomy part of the subject, and admitting the deficiency, he for one, must join with the noble Lord in opposing the repeal of any of the existing taxes. Even admitting the deficiency, he could not concur in the gloomy view which some persons took of the state of our finances—persons who even ventured to doubt our ability to maintain the public faith, or support the nation's honour abroad, he had no such opinion. Nor could he agree with those who contended that the state of the revenue indicated any increase of privation among the labouring classes. He had just read a paper lately before the House, containing a detailed account of the revenue of Excise; and when he noticed the progress of that revenue, he could not believe that the people were suffering from a diminution of comfort. Looking at that document too, he could not join with those who demanded a great increase of the paper currency of the country. There was a set of men who pretended to be deeply versed in the subject of money, and who had discovered that the currency was not sufficiently extensive to meet the necessities of the country, and that, whereas the Bank issued 17,000,000*l.* per quarter, they ought to issue 25,000,000*l.*, which they, in their wisdom, had laid down to be the precise amount requisite for the circulation. He might have more confidence in them, if they were less precise, but they founded their calculations on the fact, that our manufactures were all going to decay, and that this amount of circulation was necessary to save them from ruin. Unfortunately for these calculators, the paper he had referred to showed such an increase of consumption in many of those articles which tend much to the comfort of the labouring classes, as to afford matter of congratulation, and give rise to a well-founded belief that trade was not going to decay, and that the distresses of the people had been diminished, and their privations mitigated. There was a deficiency in the revenue, but no proof that the consumption of the people had fallen off. This theory then of the deficiency of the amount of the currency, was not in the least borne out by the documents which had been laid upon the Table, and to which he had already referred. Other individuals had stated, with some pride, that there had been some increase in the auction duties, quite forgetting that such an increase must more or less be founded upon the distresses of the country. But this was an argument upon false premises; for, from the papers before the House, it appeared that in the year 1832, as compared with the returns of the three preceding years, there had been a decrease of 726,225*l.* in the auction duties. There had also been an increase in the duties on bricks, though there was a decrease of the duties on tiles, which might be attributed to the preference which was given by builders to slates. He also thought that the duty on tiles was deserving of the consideration of the noble Lord opposite, with a view to its reduction. The revenue from glass had decreased, but that arose from the practice of making glass thinner, and consequently a less quantity would cover a larger surface. In the article of British spirits, there had been some falling off in the duty, but in the consumption of malt there had been an increase of 7,600,000 bushels on the average consumption of the last three years. When he heard the Beer Bill discussed, in connexion with the late hours and the dissipation and idleness which its opponents described it as producing, he must say, that he did not think that a fair way of treating the subject; but this he would say, that when he saw the population consuming so much of that which might be considered as one of the necessaries of life, he would appeal to that fact as a proof and test of the increasing comforts of the great mass of the population of this country. In soap, in 1832, as compared with the average of the three preceding years, there was an increased consumption of 5,000,000 lbs. [Mr. *Hume:* There is a decrease in Scotland.] Yes; but the decrease in the consumption of soap, was confined exclusively to Scotland. Next he found that the increase in the consumption of tea, in 1832, as compared with the average of the three preceding years, was 1,583,000 lbs.; and how then could he admit that the consuming power of this country was diminished, when he found an increase in the consumption of those articles most necessary for the comfort of the industrious classes? He rejoiced to see this state of things; the additional consumption of these articles afforded him, he repeated, the greatest possible gratification, for this, among other reasons, because he saw in it a strong proof that the natural resources of the country were not in the least deteriorated, and that they were capable, if required, of supporting even an increase of taxation, if such a thing should, under any future circumstances, be called for. There was another point in the noble Lord's statement at which he felt disposed to express his satisfaction, namely, the amount of the diminution in the public expenditure. The noble Lord had stated that the reduction made in the public expenditure for the year amounted to upwards of 2,000,000*l.*, and that undoubtedly was a great reduction; but then the question occurred whether the whole of this reduction would be a permanent, or whether it would be a temporary one. He believed that this reduction in the public expenditure for the year chiefly arose from reductions made in the army extraordinaries, and also in the navy. The reductions that had been effected in the navy, he believed were mainly attributable to the abstaining from the building of new ships, and the consequent purchase of stores during the past year. But the time would come when it would be necessary for us to build new ships, and to purchase additional stores; and though, therefore, Ministers were perfectly justified in making such a reduction in the navy estimates this year, it was one that could not be regarded as permanent. The reductions effected in the army estimates he believed were confined to reductions made in the army extraordinaries, and with regard to the militia. The reduction with regard to the latter, arose from the militia not having been called out for training this year, and that, therefore, could not be looked upon as a permanent reduction. The reduction in the army extraordinaries amounted, he believed, to 200,000*l.*, and that alone would be regarded as a permanent reduction. It was necessary, therefore, before they came to consider the 2,000,000*l.* and upwards, of reduction, which the noble Lord announced, to inquire into the circumstances under which a great portion of that reduction was effected, in order that they might be enabled to judge whether any, or what portion of that reduction would be looked upon as permanent. He did not agree with the right hon. Baronet (Sir Henry Parnell) in his expectations that a Reformed Parliament would still further reduce the public expenditure. He was sure that that right hon. Baronet would give the noble Lord opposite credit for every desire at present to reduce the public expenditure as far as he possibly could, and he would put it to the right hon. Baronet whether he thought that that noble Lord, if he could have proposed any further reductions in the expenditure, would have experienced any difficulty on the part of the present Parliament in carrying such a proposal into effect?

Sir *Henry Parnell* said, he did not think that he would.

Sir *Robert Peel:* Why then did the right hon. Baronet, giving, as he did, the noble Lord credit for every disposition to reduce the public expenditure, and conceding, as he did, that the present Parliament was most ready to support that noble Lord in measures of such a description, why, he begged to ask, did that right hon. Baronet assert, that a Reformed Parliament would do more in that way? Partial as he might be to the constitution of the present Parliament, still he would assert, without the fear of contradiction, that, if the noble Lord opposite had felt it his duty to propose to that House such reductions as those alluded to by the right hon. Baronet, in the collection of the revenue, and in the construction of public Boards, he would have met with no opposition from any one single Member in it, from partial or interested motives; and he was sure that, if any such opposition should be offered under such circumstances to the noble Lord, it would not have the slightest chance of success. It was not at all improbable that hereafter still further reductions might be effected in the public expenditure, but he did not think that any new constitution of Parliament would force on the Government greater reductions than a sense of duty would induce the Government to propose, and which the good sense and good feeling of such a Parliament as the present would go with them in carrying into effect. He did not think, therefore, that the self-interested views of any Gentleman in that House, constituted as it at present was, would oppose the slightest impediment to the Government carrying into effect any reductions which it should feel it to be its duty to propose, and he certainly did not anticipate any such diminution of expenditure from a Reformed Parliament as the right hon. Baronet seemed to expect. The noble Lord had attributed the falling off which had taken place in the revenue to three causes, the cholera, the state of public excitement, and the state of the currency. Now, with regard to the first cause, he thought that the noble Lord had under-rated the influence of it, and that it had produced much greater effect in that way than he seemed to suppose. The undue apprehensions which had been entertained by foreign countries on account of the cholera, obviously did much to injure the trade and to diminish the exports of this country during the past year. With respect to the political excitement in the country, the noble Lord thought it was about to abate, and, on that score, reckoned on an increase of the revenue. He hoped that it might be so, but he saw no great diminution of political excitement in the instance of Ireland.

Lord *Althorp* was understood to say across the Table, that the revenue of Ireland had increased during the past year.

Sir *Robert Peel* said, he was surprised at the fact, for he had never known such an effect produced by such a cause before. It might be that the public excitement would subside in England: but he did not think that the changes which had been made in the constitution of that House at all calculated to produce an increase in the revenue. On the contrary, he thought that the result of those changes would be, that apprehensions would prevail for the security of property—apprehensions which were likely to affect considerably the revenue, and the productive powers of the country, and that the political excitement would continue as rife, and the Political Unions as flourishing and as noisy, as ever. The third cause to which the noble Lord attributed the falling off in the revenue was the state of the currency; and the noble Lord had observed, that the changes which had taken place, as well as the uncertainty which prevailed with respect to ultimate proceedings, and the effect produced by the fluctuation in the exchanges, had doubtless contributed much to that state of things in which they at present found themselves. Now, in his (Sir Robert Peel's) opinion, the noble Lord had diminished the consequences of the Cholera, and he had much over-rated the effects of the changes in the currency. Undoubtedly, however, the Bank had contracted its issues, and, as a consequence, the proceedings of the country banks must have been limited, and the capital required for the operations of commerce decreased. But if this were so, how necessary did it become, on the part of the noble Lord and his colleagues, to seize the earliest possible opportunity to place the foundation of the currency on some sure and satisfactory basis. Parliament should not be allowed to separate without some information being given to it by the noble Lord as to the course which the Government intended to pursue with respect to the question now under agitation. He (Sir Robert Peel) remembered well the Bullion Committee, and the difference of opinions which then prevailed, and was therefore convinced that the question could not be too soon settled. Although the Members of the Committee were bound to secrecy, the noble Lord, as a Minister of the Crown, had his own views on the subject, and he was bound, for the sake of the country, to make them public at the present moment. It was possible, perhaps certain, that the Committee would make no Report during the present Session; and unless Parliament assembled for a short sitting in October or November, which he supposed was rather improbable, six months must elapse before the country could receive information on that most interesting subject. He repeated, full six months; for the elections could not, under any circumstances, take place much before December, and as there were snows and storms, particularly in the North at that season, which must be taken into account, it was not at all improbable that the elections might not take place during the present year. With six months of recess, then, before them, he put it to the noble Lord, whether it would not be politic to put an end to that state of uncertainty which the noble Lord admitted to have so strong an effect on the issues and the exchanges, by at once stating what were the views of the Government on the question. No one expected the noble Lord to go into the details which were to form the subject of deliberation hereafter; but the noble Lord and the Government must have already made up their minds on the great leading points of the course they intended to pursue; and if the noble Lord described correctly the prejudicial effects of the existing state of uncertainty, he recommended him to put a termination to it by avowing at once the opinion of the Government. Such a course of proceeding would have an immediately beneficial effect; it would give stability to the operations of commerce, and might have no inconsiderable effect on improving the revenue. Referring again to that, and the principal subject of the night's discussion, he must again say, that he thought it unfortunate, that for two successive years, there should have been a deficiency in the revenue; but he did not thence infer, that there had been any decay in the natural resources of the country. He was quite sure that those resources were fully adequate to meet any emergencies which we might encounter, and to maintain and preserve the national faith. He was certain that this country possessed within itself fully the means of paying its just debt, and that it would repudiate with scorn any scheme for pretending to liquidate that debt by an unjust reduction of that which the public creditor had a right to expect. He was confident that not only the wealth but the spirit of Englishmen would always prevent them from stooping to so dishonest an expedient, and he was perfectly certain, that they would incur any sacrifice to maintain and uphold the national faith. The noble Lord had adverted to the state of the colonies. He (Sir Robert Peel) approached that part of the subject with pain, for he believed no Parliament had ever separated before, leaving the colonies in a state so little satisfactory to the mother country. All they knew with respect to the colonies was, that the Government did not intend to exact obedience from the islands possessing separate Legislatures to those Orders in Council which had been the object of so much contention. He wished, however, to know, whether the Government persisted in its intention to force the obedience of the Crown colonies. Every one knew, that the Orders, although nominally enforced in the Crown colonies, were universally disobeyed; and he put it to the noble Lord whether, under such circumstances, it would not be more consistent with the honour and dignity of the Crown, to withdraw them altogether? While he was on this subject, he wished also to ask, what reward the Government intended to bestow on the colonies that accepted the Orders? The fiscal regulations had been abandoned —the discriminating duties were not to be collected; but, if he understood the noble Lord right, the mother country was to pay a portion of the Civil List of the obedient colonies. Now, he put it to the noble Lord, whether, after all they had heard of the necessity of compelling the colonies to bear the expense of their own government, such an act was not retrograding, and a departure from the avowed determination of those who were placed over that department? He could not sit down without adding a few words on the subject of foreign policy; and, with regard to that, and the state of our foreign relations, they were left in a state of equal ignorance. When there were rumours of naval armaments on the coast of Portugal, and when there were rumours, God knew whether well-founded or not, of naval armaments being about to proceed to the Scheldt, it was but common justice to the House and to the country, that some explanation should be afforded to them, before they separated, on the subject of our foreign relations. He supposed that the expenses of those armaments would come under the ordinary estimates of the year, as otherwise the usual course was, for the Crown to send down a message to Parliament for the extraordinary expenses necessary for such purposes. Now he could not but complain that Parliament was about to separate without any information on this subject. He wished the noble Lord would tell them whether the king of Holland would assent to the final treaty proposed to him by the Conference? Or whether, if such were not the case, that most dreadful alternative, the uniting the forces of England and France, for the purpose of compelling him to do so, was the only course left to this country to pursue? He thought they had every right, also, to complain of the course which had been adopted towards Portugal. A civil war now raged there, and a contest was going on for the throne of that country; and he was persuaded, that neither one nor the other would have ever existed but for the direct encouragement given from this country. A contest for the throne of Portugal, when encouraged by England, was a thing that must always be deprecated as being totally opposed to the true policy and best interests of this country. Indeed civil war could not exist there without damaging the interests of Britain. With respect to Holland, he could only say, that if the king refused to ratify the treaty, then the armaments which must follow would disturb the calculations of the noble Lord, and the surplus he had calculated on would not be realised. Whether, however, the noble Lord's calculations were or were not realised, whatever was done by this country, whatever money was expended to force Holland to sign the twenty-four Articles, would be expended in a manner contrary to the true interests of England—against the independent rights of the smaller powers of Europe—and, if incurred in conjunction with France directed against Holland, would be inconsistent with that course of feeling which the wisest British statesmen had always pursued, and which might be pregnant with consequences to the peace of the world which no man could foresee.

Lord *Morpeth* said, he would take the liberty of making a remark upon a subject which much concerned a great body of his constituents. It would be remembered that there was a stamp duty of considerable amount upon bills of exchange, which duty was increased a few years ago, and it was found to bear very hard proportionally upon bills for small sums. Formerly, a great part of the transactions in that large manufacturing district, with which he was concerned, was carried on by the circulation of these small inland bills of exchange, and it was a circulation calculated to be of great additional utility since the withdrawal of the small notes. That measure had, undoubtedly, many strong and powerful reasons to recommend it; but it had, unquestionably, been attended with a great decrease of the circulating medium, and a stinting of the means which gave life and activity to commerce. The circulation of bills of exchange drawn on account of country banks upon London bankers at a date not exceeding two or three months, was well adapted to fill up the vacuum without any of the corresponding disadvantages. From terminating at a specific time, they did not run the risk of creating panic like small notes, by being presented all at once; nor an unlimited and excessive circulation, such as was apt to arise out of re-issuable paper which had no limit as to time. It might be further remarked, that they derived fresh security from the extent of their circulation, as every additional hand through which they passed, and every additional name indorsed on their back, furnished additional vouchers for their authenticity, and an additional security for their value. Now this medium of circulation, which would thus appear to be at once both wholesome and useful, had become very rare in the manufacturing district where it formerly prevailed so much, owing, in a great degree, to the high rate of duty which caused the sum of 100*l.*, if drawn in small bills, to be subject to twice the amount of duty that would be required, if drawn for in one bill. It happened hence that the manufacturers were put to considerable expense by having large bills to be broken into small ones; or else the balance of their accounts remained unsettled in the merchant's books, (which was the very worst state of things) from a disinclination to incur the expense of a stamp for a small balance; for though the difference of expense might seem very trifling, it must be remembered, that in concerns of trade, profits were made of very small savings upon a large number of transactions. It was true that the present state of the revenue did not invite his noble friend to consent to the reduction of duties; but it appeared most strikingly in the present instance, that the increase in the scale of duties had been attended with a very great diminution of their gross amount. He hoped that his noble friend would, during the recess, give his best attention to these considerations, with a view of effecting a diminution of the duties upon exchange bills for small sums at a limited date.

Mr. *Robinson* expressed his satisfaction at the statement of the noble Lord, the Chancellor of the Exchequer, because it was much more consolatory than the country, under all circumstances, had reason to expect. For his part, he was bound to say, that he saw no grounds for any thing like despondency with regard to the revenue of the country. According to the statement of the Chancellor of the Exchequer, there was every probability of an increase for the year 1833; and, on the same principle, he should anticipate a similar increase for the year 1834 if, as he hoped, the noble Lord persisted in his present course, and made no attempt to raise a sinking fund. It had been said that the labouring classes were proved, by the condition of the revenue, to be in a state of prosperity. The population of the country was yearly increasing, and consequently there might naturally be expected a proportionate increase of excised articles. He did not wish to draw a discouraging sketch of the state of society; but he feared much, that the returns, which showed an increase in the consumption of tea and sugar, were balanced by a falling off in the demand for beef and the necessaries of life. With respect to the noble Lord's statements on the subject of wines, he could only say, that he had always been adverse to the increase of duty on the wines consumed by the middle classes, and the reduction of the duties paid on the more luxurious beverage of the rich, and the revenue was now suffering under the effect of the change. He was afraid, however, that any change which might be made by the Legislature in particular duties would not in the end be satisfactory, and he would therefore recommend to the attention of the noble Lord some plan for a modified property tax. That, he was convinced, was the only sure way of alleviating the burthens of the lower classes. All interests were at present labouring under difficulties—agriculture, commerce, trade and manufacture, were in a state any thing but prosperous; and, if something were not done to afford them relief, the affairs of the country could not go on successfully. The noble Lord ought not to suppose, unless some means could be devised for relieving those interests, and for stimulating all the branches of industry, that it would be possible to continue the present rate of taxation. He must frankly say, however, that in his opinion the financial statement of the noble Lord was very candid and satisfactory, and that the noble Lord had rather underrated than overrated his resources, and had made ample allowance for any defalcations of revenue that could be apprehended.

Mr. *Courtenay* should not have taken a part in this debate, if the noble Lord had not alluded to a statement which he had made, a few nights ago, and which the noble Lord had put in a manner rather beyond what the observation warranted. He had certainly said, when a reduction of the duty on coffee was proposed, that he thought the apprehension of a loss to the revenue, accruing from the adoption of that proposition, was not much to be attended to, in what he then considered to be the state of the finances—namely, a state exhibiting such a deficiency as would render it imperatively necessary to take some strong measure, in the course of the next year, with respect to the taxation of the country, and the equalization of Income and Expenditure; but the noble Lord would recollect that that sentiment, was uttered under an erroneous impression of the condition of the revenue. He was extremely happy to find that the noble Lord had made some reductions, which he had taken the liberty of advocating. As the subject had not yet been more particularly alluded to, he would take the opportunity of returning his thanks to the noble Lord on the part of the West-India interests (although he was unconnected with them), for the reduction he had made in their favour—a reduction so important, that even if it had tended to increase the deficiency in the revenue, he should have supported it. Without entering into the general question, he might be permitted to say, that there ought to be some surplus. He knew the noble Lord would not agree with him in his opinion of the propriety of maintaining a sinking fund; but there was one mode of extending the revenue, which he thought would be most beneficial—he meant the conversion into redeemable annuities of certain perpetual annuities. He wished to ask the noble Lord, whether Government had taken steps to prevent that conversion? The arrangement would proceed exactly upon the principle of a sinking fund; but still, for many reasons, it would have a superiority over any other mode of accomplishing the same object. There was one other point to which he wished to address himself. The noble Lord had referred, in a very handsome manner, to the reduction in official salaries, and other heads of public expenditure, that had been effected by the former Government. He wished the noble Lord would only present to the House a statement of all the reductions which had been effected during the last five years. He would say, that, without imposing a single tax, the Duke of Wellington effected reductions in the public expenditure to a greater extent than had been done by any preceding Minister. He could not accuse his Majesty's present Ministers of having neglected to do justice to the late Government on this subject; but really, the misconception which seemed to exist throughout the country upon this point was quite painful, and positively heart-rending. It was only a very short time back, during the prevalence of great political excitement, that a meeting at which he believed the hon. member for Middlesex presided, was called, to address the King on the supposed retirement of his Ministers; and a handbill was circulated on that occasion, in which a comparison was drawn between the merits of Earl Grey and the Duke of Wellington. Under the head of the latter were the words, "increase of taxation;" under the former, "reduction of expenditure;" it being perfectly notorious, as he had already observed, that the Duke of Wellington had reduced the taxation of the country to an extent—all things considered—greater than any Minister who had immediately preceded him; and every tax which he reduced, was one that pressed more immediately upon the lower orders. That led him to notice a remark which fell from the right hon. Baronet, the member for Queen's County (Sir Henry Parnell), with reference to the opposition supposed to have been hitherto given by the Members of this corrupt House of Commons, to all reductions in the expenditure of the country. Under the present constitution of the House, the most eminent of the reductions that had been made by both the late and the present Governments—for there was no difference between them in that respect —had been in the very offices which were generally supposed to be bestowed upon members of Parliament and their connexions. Observations had been made with respect to the reduction of the duty on wine, and the facilitating of the intercourse between this country and France, and the House would permit him to remind it, that, agreeing with the noble Lord on principle, he had taken the liberty of stating, in an early period of the Session, that, in the then state of our connexion with France, it was not the proper time to make that reduction. It certainly was his opinion that reductions of that description should be kept under our command, with a view to our relations with foreign governments. Mr. George Villiers, he believed, had lately been sent to Paris, for the purpose of entering into a negotiation upon this subject. He should wish to know whether there was any probability that, before the rising of the House for the vacation, any such negotiation would be concluded. With reference to the observations of the hon. Gentleman who had just sat down, on the statement of the right hon. Baronet, the member for Tamworth, as to the condition of the Excise, the hon. Member was in error, for it was clear that, on the average of any number of years, the consumption of the people, even of beef and other substantial food, had certainly increased. At the same time, he was by no means disposed to deny that it might be true that the consumption of exciseable articles had increased, because they were substituted for articles which were not exciseable. With reference to the state of our foreign relations, he was not disposed to enter into that question, because he was not without hope that, even at this late period of the Session, some *exposé* might be made by the noble Lord at the head of the foreign affairs upon this subject. The right hon. Baronet, the member for Tamworth, observed, that Parliament never was in such a state of ignorance, with respect to the foreign relations of this country, as at this moment. This was true. He believed that it had been caused by the circumstance of our having adopted, since the peace, a policy of which he entirely approved— the policy of keeping our army and navy in such a condition that small expeditions and armaments might be, at any time, despatched to any part of the world without increasing the estimates for the current year. If this had not been the case, the present Administration could not have taken the steps which they had adopted without recurring to the House. At the same time he must say, that the present Government had availed themselves, to a greater extent than any other, of the facilities afforded them by this state of things, to avoid communications with the House. In conclusion, he would observe, that he never did hear a Budget in which there appeared to him to be less exaggeration (as far as he could judge) than that which the noble Lord had produced to-night. He had a perfect confidence in the resources of the country, and he trusted that the time would come when the House might be enabled to congratulate the country upon possessing a surplus.

Lord *Sandon* wished for some explanation with regard to the manner in which the administration of affairs in the colonies was to be left. It seemed with regard to the Crown colonies, that they were to be relieved from either a part, or the whole of their internal expenses. He wished to know whether they were to be relieved from the whole, or only from a part of those expenses; and from what period the boon was to date? He wished also to know whether the same boon was to be held out to all the colonies on the condition of their acquiescence in the Orders in Council? Adverting to what had fallen from the hon. member for Worcester on the subject of agriculture, he must say, that he did not think that agriculture was in the depressed state which the hon. Gentleman supposed. The farmers were perfectly satisfied.

Colonel *Sibthorp* was bound to differ from the noble Lord on the subject of the state of agriculture. He expressed his astonishment at the congratulations which the noble Lord had received on his financial *exposé*. Recollecting the last Budget, it appeared to him that we had got out of the frying-pan into the fire. As the noble Lord's former promises had not been fulfilled, he believed that the same would be the case with the promises which the noble Lord had that evening made. He saw no grounds for a single hope that there would be any diminution of taxation. He was sure, that the noble Lord opposite applied himself night and day to the duties of his office; but although he had a great respect for the noble Lord, and was always pleased to see him as the president of a cattle show—yet, hating flattery as he hated the devil, he could not compliment the noble Lord on the manner in which he discharged the functions of his high station. He trusted that he should soon see the benches opposite cleared of the present occupants.

Mr. *Burge* must, on that, as on all other occasions, recommend to his Majesty's Government a course of proceeding with respect to the colonies, which would inspire them with confidence, by giving no countenance to those who would excite and inflame the passions of the negro population; and by impressing on the people of this country that they had the greatest interest in the preservation of the prosperity of those colonies. By such conduct they would reconcile the colonies to the load of taxation under which they at present laboured. He hoped that, in the recess, Ministers would apply their minds to this important subject. It was painful to see, among the pledges required from candidates for return to Parliament, one that they would support certain measures respecting the colonies, without any regard to justice, or to the great interests of the empire. He trusted that the candidates would tell the people how fatal an acquiescence in their wishes would be, not only to the interests of the colonies, but to their own.

Lord *Althorp* said: The right hon. Baronet, the member for the Queen's County, complains that I have not brought forward a colonial Budget. But, Sir, there are greater difficulties in the way of proposing such a statement than the right hon. Gentleman seems to be aware of. We have been able to prepare Estimates of the charges of some of the colonies, and the Estimates respecting the others are in a forward state; so that I hope that by the next Session of Parliament, we shall be able to produce a Budget for the whole of the colonies. With respect, Sir, to the question which has been put to me by the right hon. Baronet, the member for Tamworth, I have to say, that it is impossible that the colonies could be induced to adopt those measures for the improvement of the condition of the slaves, which we all have so much at heart, without this country's adopting some measures for the relief of the colonies from the distresses under which they are at present suffering. But when I was asked before, respecting the intentions of the Government in this matter, I said that I should not propose any measure of direct fiscal relief other than by a reduction of the taxes on colonial produce. But, in consequence of the appointment of a Committee, in each House of Parliament, to inquire into the condition of the slaves, and other matters connected with the Colonies, it has been thought right to withdraw the Orders in Council from those colonies which have Legislative Assemblies; and it was felt, at the same time, that it would be unfair to exact those taxes from such of the Crown colonies as had adopted the Orders in Council. But the right hon. Baronet asks, do we mean to give them this relief, if they resist the adoption? I have only to say, Sir, that it is not the intention of the Government to do so. The measure will not expose this country to any expense, and from what I have heard, I believe that the giving relief to the colonies in their internal taxation, will be felt to be a great benefit to them. I shall not go further into the subject at present. But when the question comes regularly before the House, I shall, of course, be prepared to give the fullest explanation. The right hon. member for Totness asks whether the Government has taken any measures to prevent the conversion of permanent into redeemable annuities? I think, Sir, that the conversion of perpetual into terminable annuities affords a feasible means of reducing the amount of the debt; and the Government have taken no step to prevent that conversion. But perhaps, Sir, the question of the right hon. Gentleman refers to a determination which has been come to, respecting the purchase of the annuities of persons above eighty years of age. It was found that annuitants above that age took an unfair advantage of the regulation, and that their annuities were made the object of a systematic speculation upon the Stock Exchange; and an alteration was made in consequence, limiting the age of the annuitants who might avail themselves of the conversion to eighty. The right hon. Gentleman has also asked if I have any hope that France will give us commercial advantages, in return for the arrangements which we have made in favour of French trade? Sir, I have sanguine hopes that the government of France will relax some of the restrictions upon our trade. I do not say that anything of the kind has yet been done, but I have strong hopes that it will be done. The right hon. Baronet, the member for Tamworth, entered, as he fairly might, into a variety of topics connected with the finances of the country, respecting some of which I entirely agree with him, although I cannot go so far as he goes respecting them all. I agree with him as to the policy of not always changing a bad tax for one less oppressive. I agree with him as to the propriety of having a large excess of revenue over expenditure; and I could have wished that it was possible for me to calculate upon a larger excess; but I think that in the circumstances of the country, the arrangement which I have adopted will be found equal to the exigencies of the State. The right hon. Baronet says, that I have not made sufficient allowance for the effect, which, it appears to him, the spread of the cholera will have upon our trade. It may be that I have not. But it seems to me that there is every reason to believe that the effect of any apprehensions respecting that pestilence will not occasion, after this, any great interruption to commerce, as there are few countries in Europe unvisited by it, and there has been but little security found against the visitation by restrictions upon trade. The right hon. Baronet says, that I lay too much stress upon the contraction of the currency. Certainly I do think that it has had a great effect upon the trade of the country. But, he says, that if I thought so, I ought to take care that the Committees upon the Bank Charter should terminate its labours before the end of the Session. He says that I ought to state the opinion of the Government. But, Sir, I think that it would be extremely inexpedient for the Government to give its opinion upon a question which the House of Commons had referred to the consideration of a Committee. He says, that the effect of the uncertainty will be to cause a contraction of the currency. But I cannot think so. I believe that, if the affairs of the Bank be properly conducted, the extent of the currency must depend principally upon the state of the foreign exchanges. He says, that Parliament never separated before in so much uncertainty respecting the state of our foreign relations. But surely, Sir, the right hon. Gentleman is aware, that the cause of the uncertainty is, that the negotiations are not concluded; and whilst they are pending, the Government would not be justified in making any disclosure. But this much I am ready to say, that I hope and trust that there is nothing in those negotiations to make us despair of an amicable conclusion. As far as I can see, there is no reason to be apprehensive of war. On the contrary, I think there is every hope that the pending negotiation will come to a favourable conclusion. Those are, I believe, the principal topics on which it is necessary for me to make any observation in reply; and I can only express my satisfaction that the House has generally admitted my statement to be fair, and without exaggeration.

Mr. *Irving* was of opinion, that the Government ought to be prepared to bring forward some measure respecting the Bank before the end of the Session. He looked upon the question of the Renewal of the Bank Charter to be one of the most important that was ever under the consideration of Parliament. With respect to the colonial policy of the present Government, he must say, that it was fraught with the greatest perils. The Orders in Council were most impolitic and unjust, and had been enforced by a most scandalous means. It had been said that relief was to be given to such of the colonies as had adopted those Orders. But the fact was, that no colony had done so—no colony could do so—they were wholly impracticable; and if any man strove to act upon them, his ruin would be inevitable. The effect of the policy of the Government was such that there was one colony, St. Lucia, from which not one hogshead of sugar had been this year imported. The conduct of the Government was past endurance. The character of the colonists had been held up to the execration of their fellow-subjects, and their property and means of subsistence had been destroyed.

Mr. *Keith Douglas* said, that as the noble Lord, the Chancellor of the Exchequer, had made the adoption of the Orders in Council a condition of the fiscal relief, the noble Lord was bound to controvert the assertion that they were impracticable, by laying before the House some documents, to show that they had been adopted and carried into effect in some one of the colonies.

Lord *Althorp* said, that the present was not the fit time for going into the discussion. When the question came regularly before the House, he should be ready to give the fullest information.

Motion agreed to.

8,450,000*l.* were voted out of the Consolidated Fund to make good the Supplies granted to his Majesty for the year 1832, as also 1,471,333*l.* being the surplus of Ways and Means for former years for the same purpose, and also towards supply for the service of the year, 13,896,600*l.*, to be raised by Exchequer bills.

The House resumed.

MAYNOOTH COLLEGE.] Mr. Spring Rice moved the further consideration of the Report on Supply, the Question being the Grant to Maynooth College.

The Speaker having put the Question,

Mr. *Spring Rice* said, that though the hour was certainly late (half past one), yet he trusted that there would be no opposition to the going on with the question. He trusted hon. Members would recollect that it had been before postponed at the request of some Members at the other side of the House, in order to give them an opportunity to state their objections. He hoped, therefore, that, at that late hour of the morning, they would not interpose any further delay.

Lord *Ingestre* wished, as many of the Irish Members interested in this discussion had left the House, and particularly as the hon. and learned members for the Universities of Dublin and Oxford had gone away under the impression that the vote would not be gone on with to-night by the right hon. Secretary to the Treasury, that the vote might be postponed, to give those hon. Gentlemen an opportunity to state their objections to it.

Mr. *Spring Rice* denied, that he had entered into any understanding that the vote should not be proceeded with. He had been asked by hon. Members in the early part of the evening, if he thought the vote would be proceeded with, and he had said, that he could not take upon him to state, as the debate on the sugar duties might occupy a long time, but if, after that, he could bring it on, he was determined that it should not be postponed.

Mr. *Andrew Johnston* said, that he could not conceive how any Protestant or Presbyterian could on principle contribute to the education of persons to propagate a doctrine to which they were opposed as anti-Christian. Moreover the priests of the Catholic religion were now the great leaders of sedition and agitation. He regretted that the hon. members for Kerry and Louth were not in their places, for he was astonished, how, after the solemn oath that they, as Catholic Members, had taken on their entrance into that House, not to interfere with the institutions of the Established Church—he was surprised how they could find it possible to reconcile with the spirit of that oath their oft repeated endeavours to upset that Church. He recollected that the hon. and learned member for Louth had declared that he was not an enemy to the Protestant Church, but he also recollected that, on a former occasion, he had also declared that he could not be its friend. He thought the hon. and learned Member would find some difficulty in selecting the intermediate position he might choose to occupy between those conflicting declarations. He hoped in future, whenever those hon. Members came to speak on tithes, they would treat that subject very slightly.

Sir *Edmund Hayes* hoped that any further discussion would be postponed, and assured the House that the hon. and learned members for the Universities of Dublin and Oxford, and the hon. and gallant member for Dundalk, had left the House under an impression that the Secretary of the Treasury had assured them that the vote could not possibly come on that night.

Mr. *Spring Rice* again denied emphatically that he had given any such undertaking. The vote for Maynooth, now before the House, stood upon quite a different footing from the vote to the College of Maynooth in the former Session of Parliament. The sum now intended to be granted was to provide for the expenses of that college which had been incurred since last January, and the House would feel that it would be the highest injustice to refuse that which went to provide for expenses already incurred, and engagements already taken. It was on these grounds that the former grant had been given to the Kildare-street Society; it had been agreed on by Parliament to discontinue the grant to that society in future. The voting this grant of money to Maynooth did not by any means pledge Parliament to the continuance of it in future, and therefore the objects of the hon. Gentlemen opposite would be just as well answered by giving a notice for any particular night to raise a discussion upon the policy of continuing further grants to Maynooth College. If hon. Gentlemen had really laboured under the impression, however, that the vote would not come on to-night, and had consequently gone away, he should be sorry to press the vote, and would consent to postpone it.

Mr. *Stanley* said, he could not consent to any further postponement, and he trusted his right hon. friend would not persevere in that intention. It had now come on a third time; it had been postponed the first time at the request of hon. Members at the other side, who said that hon. Members had left the House who had intended to oppose it. The second time it was brought on at nine o'clock in the evening, when, even at that early hour, the further postponement was requested on the part of Gentlemen who were opposed to it, and was agreed to by his right hon. friend, those hon. Members having stated that they were not then prepared to enter into the discussion. That postponement had been acceded to by Government, but upon the understanding that, upon the first opportunity, the discussion should be proceeded with, and the vote disposed of.

Sir *George Rose* said, that, though he was opposed to the grant, he felt bound in honour and fairness to state, that his hon. friend, the member for the University of Oxford, had not gone away upon the faith of any undertaking from the Secretary of the Treasury that the grant would not come on, but, that, on the contrary, he had told him when leaving the House, that the Secretary for the Treasury had mentioned to him that he intended to bring on the vote that night if there was time to do so, but his hon. friend did not think there possibly could be time, and had, therefore, gone away.

Mr. *Ruthven* stated, that he had been sitting for a considerable time with the hon. member for Dundalk, and the hon. and learned member for the University of Dublin, and both had mentioned, before they had left the House, that they were aware that the vote was to be brought on that night if there was time, but, from the lateness of the hour, they considered that quite impossible.

Mr. *Spring Rice* said, that under these circumstances, and after those explanations, which fully bore out his own impression, he could not consent to any further postponement. The discussion had already been postponed on two former occasions, at the request of hon. Gentlemen opposite, and particularly on one occasion, when he had brought it on so early as half-past nine in the evening. These hon. Gentlemen still had, as he before stated, a power to raise a discussion on the principle on any evening they pleased, by giving a regular notice to that effect whenever they might think fit, and such a discussion would, in his mind, answer all their objects.

The question was, that this part of the Report be agreed to, put.

Lord *Ingestre* opposed the grant. The Government had refused a grant to the Protestant Society of Kildare-street, and he would never consent to a grant for a

Catholic College unless all parties were treated equally.

Mr. *Fane* said, that the argument of its being politic to educate Catholic priests at home, instead of abroad, appeared to him to be quite fallacious. It had been mistakenly supposed that Catholic priests, when educated as formerly, in France and Spain, returned to this country with all the prejudice of foreigners against our institutions, superadded to the well known prejudices of the Catholics towards every fair, free, and liberal institution of constitutional Government. They had, however, found by experience the fallacy that priests educated at home were not more attached to our Constitution, or less prejudiced against the English Government, than priests educated on the continent. The priests of Maynooth, he would assert, were found to be considerably more violent, and more opposed to the institutions of Great Britain, and to British connexion altogether, than those educated abroad. He asserted, that the priests educated at Maynooth were admitted by every one to be the leaders of sedition and agitation. He, at all events, should not be contradicted when he said, that the priests educated at Maynooth were inferior in every respect, both as to education, conduct, and loyalty, to those who had been educated abroad. He knew no one who had ever dissented from that opinion. He also opposed this grant, because a grant had been withdrawn from the Kildare-street Society; and it was too bad that a Catholic institution for education should be upheld by the public money, and that the Protestant institutions of the Kildare-street Society, whose services to the cause of education and truth were admitted everywhere, should be ungratefully abandoned.

Mr. *Sheil* could not avoid congratulating the hon. member for Crail (Mr. Andrew Johnston) upon the very argumentative and illuminating speech, with which he had gratified the House. The hon. Member had set out by opposing the Maynooth grant, but, in the course of his discursive and adventurous flights, he had not thought it beneath his notice to pounce upon such ignoble quarry as himself. Indeed, he could not fail to compliment the hon. Member upon the consistency he manifested. He loved consistency, even though it should be a consistency in bigotry, and the assertion of opinions which happily were of too antique and anterior a character for the age in which we lived, and for the intelligence and liberality that was everywhere springing up around us. He could not but admire the Christian charity which the hon. Member had so laudably manifested in his zeal for upholding that religion of whose principles he was so felicitous an exemplification—that religion which inculcated amongst its first moral precepts, "Do unto another as thou wishest another to do unto thee." But let that pass, he would not deem it of sufficient importance to vindicate the attack which had been made by the hon. Member upon himself, and upon that religion of which he was a member. He could not avoid coupling in this testimonial of the charity by which their actions were governed, the hon. member for Crail with the hon. Member who had just sat down. He regretted that he could not give those hon. Gentlemen equal credit for their knowledge of facts. They had ascribed the agitation and resistance to tithes in Ireland to the conduct of the priests educated at Maynooth College. Now it was well known that that opposition to tithes had also been with equal sagacity ascribed to the writings and the exertions of a distinguished prelate of the Catholic Church, the rev. Dr. Doyle. But he presumed they would not have used an argument which destroyed itself, had they not been ignorant of the fact that that very Prelate was educated at Coimbra. He also begged to remind them for the additional force of their argument, that that eminent divine had formerly published opinions of an enlarged, and as was thought by some, of too liberal a tendency, and in reference to which the College of Maynooth had published a manifesto that would have done honour to the University of Oxford, condemnatory of the opinions then published by the rev. Dr. Doyle. As to the assertion that the priests of Maynooth were educated so as to have prejudices against the Government, he would venture to assert, that there was no greater friend, both to British connexion, and to submission to the ruling authorities, than the present professor of dogmatic theology in Maynooth. He thought it ungenerous that such opposition should be given to the trifling and insufficient grant that was in the spirit of almost narrow justice, given to that most valuable, and excellent establishment.

Mr. *Leader* supported the grant. When he saw the vast drainage on the country in the shape of absentee rents, and the immense payments of indirect taxes, for which the country received no credit, and which went to the benefit of England, and when he saw 1,000,000*l.* annually wrung out of the Catholic population of Ireland in tithes and rents of Bishops' lands to support an idle Church from which the people received no benefit; and when he saw this miserable and pitiful grant resisted in order to deprive an impoverished country of the means of educating the clergy of 7,000,000 of people; when he saw this, he thought it was shameful, and calculated to fill every just and generous mind with indignation.

Sir *John Milley Doyle* would not trouble the House at that very late or rather very early hour, at any length. But as the right rev. and distinguished Prelate, with whom he had the honour of being connected, had been introduced into the debate, he trusted the House would permit him to say a few words in reference to him and the clergy to which he belonged. Though the clergy of the Church to which that distinguished Prelate belonged, were not intrusted with the legal magistracy of the county, yet it was acknowleged by all parties and by the Government with gratitude, that the Roman Catholic Bishops and Clergy of Ireland, were the real and effective police of the country. The country was put to an immense expense in support of an armed police. They had heard of tens of thousands of additional troops being sent over to that country; but even all their police and troops would be unavailing to preserve quiet and tranquillity among an aggrieved and oppressed people, were it not for the indefatigable exertions of that most valuable body of men, the Roman Catholic clergy of Ireland. Nothing but the exertions of that clergy would prevent the country from insurrection or be sufficient to preserve its peace; and of that clergy there was none more distinguished by his great and eminent talents, and public and private virtues, than Dr. Doyle.

Lord *Sandon* supported the grant, and though he had opposed the withdrawal of the money and the discontinuance of the grant to the Kildare-street Society, yet he did not consider his vote on that occasion and the vote he intended to give in support of this grant were at all inconsistent, as the two subjects stood upon perfectly distinct grounds. Neither did he think it necessary to defend his support upon the grounds of policy, or to discuss whether it was better to educate the Catholic priests at home or abroad. He looked at the question on the broad and proper grounds. The Catholics of Ireland paid an immense sum to the support of the clergy of less than half a million of the people, whilst the only support given in return to the clergy of 8,000,000 of the people, was this trifling, and he would call it miserable grant. He did wish that this grant should be more liberally afforded, and he thought the people of Ireland were in every way entitled to it, and not alone to a provision for the education of their clergy, but to a provision for the support of their clergy. He thought that grant should be enlarged, and that the Catholic clergy ought to be supported by the State, or in some way at the public expense.

Sir *George Rose* said, that he should oppose the Motion, on the ground that the Government had withdrawn all support from the Kildare-street Society.

The House divided: Ayes 55; Noes 8—Majority 47.

List of the NOES.

Burrell, Sir C. Bart.
Corry, Hon. H.
Fane, Hon. H.
Hayes, Sir E. Bart.
Ingestre, Viscount
Pelham, C.
Rose, Sir G. Bart.
Sibthorp, Colonel

TELLERS.

Tullamore, Lord
Johnston, James

Resolution agreed to.

Report agreed to.

HOUSE OF COMMONS,

Saturday, July 28, 1832.

MINUTES.] Paper ordered. On the Motion of Mr. ROBINSON, the Royal Instructions to the Governor of Newfoundland.

Bills. Read a first time:—Glass Duties Acts Amendment; Audit of Public Accounts (Ireland); Excise Accounts (Scotland).—Read a third time:—Customs Duties Acts Amendment.

Petitions presented. By Lord MORPETH, from Thorn, Yorkshire, against the Coroner's Bill.—By Sir JOHN HOBHOUSE, from Inhabitants of Westminster, for the better Observance of the Sabbath.—By Mr. SPRING RICE, from Antrim, in favour of the Ministerial Plan of Education (Ireland).—By Mr. MULLINS, from Trim, against the Reform of Parliament (Ireland) Bill.

COPYRIGHT.] Mr. *Spring Rice* said, that it must be obvious to every one how beneficial it would be to have a free interchange of literary information between this country and France. In this idea the French government fully concurred, and there was already an interchange of public and parliamentary documents. It was, however, desirable to go a step further, and exchange literary works, so that a few copies of all the French works might be deposited in some of the public places in this country, and a few of all English works deposited in some public place in France. Marischal College in the University of Aberdeen, possessed a right to a certain number of copies of English works, which right they were willing to dispose of for 460*l.* a-year. The Bill which he would move to bring in would enable the Crown to purchase that right, and apply a sum to effect this arrangement. As it would be necessary to have a Committee appointed, he gave notice, that on Monday he would move for that Committee.

Mr. *Dixon* was of opinion, that the literature of this country should be relieved from the obligation of placing so many copies in the learned universities. It was a great tax upon literature. He wished to know, what was to become of this 460*l.* a-year? If it were not to be laid out on books for the College library, the students would have reason to complain.

Lord *Althorp* had not heard how the money was to be disposed of, but he had little doubt it would be laid out in books, or some other way which would benefit the literary institutions of the College of Aberdeen. He must add, that he was of opinion, that a small number of all works should be deposited in some public place. The only objection was to so large a number. As far as literature was concerned, it would be greatly benefited by the interchange between the two countries.

Mr. *Warburton* hoped the account would be so worded, as that the other universities would not be deprived of their right to receive their copies. He supposed the 500*l.* a-year was to be deducted from the allowance to the British Museum; but he hoped that it would be continued to the University of Aberdeen only so long as the other Universities were permitted to retain their present privilege of receiving copies of all works published.

Sir *Robert Inglis* entirely concurred with the general principles and object of the Bill, but felt bound to urge upon the noble Lord the necessity of not withdrawing any funds from the British Museum, the allowance to which was small enough already.

Mr. *Andrew Johnstone* thought the right should be taken from one of the large universities of Scotland, in preference to Aberdeen, as it might be possibly said, with respect to that University, that its "poverty, but not its will, consented." The present attempt only showed the necessity of the Scotch Universities having a Representative to watch over their interests. He hoped time would be given to the people in that part of the country to express their feeling on the subject.

Mr. *Courtenay* considered the appropriation of this money to be a matter of pure bargain—that was, that a certain sum was to be given to the University in lieu of a certain right now enjoyed by it. He would merely wish to ask the right hon. Gentleman opposite whether these books were worth the money.

Lord *Althorp* hoped, that no delay would be thrown in the way of an arrangement, to which the government of France had consented, and which would be so highly beneficial to all parties.

The King's recommendation having been signified, the Committee was appointed for Monday.

HOUSE OF LORDS.

Monday, July 30, 1832.

Minutes.] Bills. Read a second time; Boundaries (Ireland); Taxed Carts; Prisoners Removal (Ireland).—Read a third time; Militia Pay; Arms (Ireland).

Petitions presented. By the Earl of Shaftesbury, from the Mayor and Aldermen of the City of London, for an Alteration in the London Police Bill.—By the Earl of Sefton, from Liverpool, and by a Noble Lord, from three Places in Ireland, in favour of the Ministerial Plan of Education (Ireland).—By the Duke of Wellington, from Galway, for an Alteration in the Irish Reform Bill; and by the Earl of Longford, from Westmeath, against that Bill.—By the Earl of Radnor, from North Walsham, in favour of the Factories Regulation Bill; and from twenty Places in Ireland,—against Tithes and Church Cess.

Employment of Agricultural Labourers.] The Duke of *Richmond* moved the Second Reading of the Agricultural Labourers' Bill. The great object of it was to afford employment to agricultural labourers. It sometimes happened that a number of parishioners at a Vestry agreed to measures of this kind, and that some of them afterwards drew back, to the great inconvenience of the others;

and the object of the Bill was to remedy that inconvenience. There was nothing compulsory in this Bill, except that a majority of three-fourths of the rate-payers could bind a minority and compel them to accede to any arrangement that was supposed to be beneficial. As the law at present stood, one parishioner was able to prevent the resolution of all the others from being carried into effect. The Bill would enable the Churchwardens and Overseers, if supported by such a majority of the parishioners, as he had mentioned, to find work for the agricultural labourer and prevent him being altogether a charge upon the parish. It was meant only as a temporary measure, till the Commissioners on the Poor-laws should make their Report. It was not a Government measure, but one which had been introduced by an hon. Baronet in the other House; and as it was one which would do some good, he, as an individual Peer, proposed the second reading. It would apply only to parishes where the Poor-rates exceeded 5*s.* in the pound.

Lord *Wynford* opposed the Bill. It completely superseded the Poor-laws, and took the management of the poor entirely out of the hands of the Overseers. He was afraid it would lead to an endless system of jobbing. No man was more desirous than he was to relieve the agricultural labourers; but he could not consent to such a Bill as that. It would, in fact, repeal the statute of Elizabeth. A commission had been issued to inquire into the Poor-laws; and, at least, the Bill ought to lie over till that commission was at an end.

Lord *Teynham* was of opinion that the Bill would do great injury; and though he had great respect for the noble Duke, he should not do his duty if he did not oppose the Bill.

The Earl of *Radnor* supported the Bill. When the noble and learned Lord asserted that it would repeal the Poor-laws, it appeared as if the noble Lord had not read the Bill. It took no power whatever out of the hands of the overseers, but it gave to the majority of any set of parishioners who had resolved to employ the poor in a particular manner, the power, which they had not at present, to carry that resolution into effect. In the large parish near which he lived, he knew that in several cases, when a rule had been agreed to for employing the poor, it had been set aside by the caprice or obstinacy of one man. He conceived that the Bill would do no more than remedy that inconvenience; and, therefore, it should have his support.

The Duke of *Richmond* said, that the provision of the Bill he had already referred to, would limit it to the south and west of England. Any question as to the details of the Bill, should be considered in Committee.

Bill read a second time.

STATE OF IRELAND.] The Marquess of *Westmeath*, seeing the noble Secretary of State for the Home Department in his place, wished to know from him, whether the Government had any intention to propose any measure to Parliament in consequence of the disclosures made at the late trials at Kilkenny? It was manifest that there was, in Ireland, a party which had for its object to trample under foot all law and all order. He did not mean to say this with reference to Protestant or Catholic, but that such was the state of Ireland, and he was desirous to know whether the Government had any intention, before the Parliament separated, to propose any measure to put an end to that state of things?

Viscount *Melbourne* admitted, that the state of things to which the noble Marquess alluded deserved the most serious attention of Government, and could assure the noble Marquess, that the subject would meet with the most serious attention. But he was not prepared to say that the Government intended for the present to propose any new measure on the subject.

LAW REFORM.] The Earl of *Eldon*, wished to call the attention of his noble and learned friend on the Woolsack, to the Bills at present in progress through Parliament, for making essential changes in the law of real property, and to suggest to his noble and learned friend, who had sanctioned the introduction of them, whether it would not be expedient to refrain from proceeding any further with the Bills in the present Session. The Bills proposed to make most extensive and essential changes in the law. They were founded on the Reports of the Commissioners on the law of real property, but recollecting what these Reports were, and the great importance of the alterations, he thought that time ought to be given to consider the subject till the next Session; and his advice would be to every proprietor of land in Parliament, to take home with him an eminent lawyer and an able solicitor, in order to ascertain what was to become of his property under the provisions of these Bills, if they should pass into laws. There was no man possessed of real property who had not a deep interest in these Bills; and he could take upon him to say, from his own information and his own experience, that it was of the last importance to all landholders deeply to consider them, and he hoped his noble and learned friend would see the expediency of acceding to his proposition.

The *Lord Chancellor* agreed with his noble and learned friend, that the subject of these Bills was one of great importance; and that what his noble and learned friend called the changes made by these Bills would be considerable. These changes, however, he considered as great improvements, and he hoped that by the time his noble and learned friend should have fully examined them, he also would be of opinion that they were great improvements. At the same time, looking to the great skill, the great learning, and the great experience of his noble and learned friend, he certainly did feel inclined to accede to his proposition, and hoped that, on fuller consideration, his noble and learned friend would come to the same conclusion as he had come to. The subject, no doubt, deserved the fullest consideration, and his noble and learned friend's saying that the Bills ought to be more fully considered, would with him be a sufficient reason for assenting to his proposition. There was one of the Bills—that relating to Fines and Recoveries—which he intended, at any rate, to have postponed, as an important alteration had been suggested, which it might be desirable to adopt. But as his noble and learned friend, of whose knowledge of the subject, and of whose experience he was fully aware, had suggested that the whole should stand over for fuller consideration, he would agree to drop the whole of the four Bills till the next Session.

PARLIAMENTARY REFORM — BILL FOR IRELAND—THIRD READING.] Viscount Melbourne moved the Third Reading of the Reform of Parliament (Ireland) Bill.

Bill read a third time.

On the question that the Bill do pass,

The Duke of *Wellington* suggested some verbal Amendments in the clause relative to Freemen and Freeholders in Cities and Boroughs, which were agreed to.

The Earl of *Roden* proposed an Amendment to the effect, that Barristers for holding Courts for the Registration of Votes should be appointed by the Judges in Ireland in the same manner as they were by the Judges in England.

Viscount *Melbourne* objected to any Amendment of that kind, on the ground that the state of Ireland was different from that of England, and that which was expedient for England might not be expedient for Ireland.

The Earl of *Roden* could understand that in no other sense than as an insinuation that the Judges in Ireland were not so honest and impartial and independent as the Judges in England. He repelled that insinuation, and maintained that the Irish Judges were as impartial, honest, and independent as the Judges of any country whatever. The noble Lord, however, would not, it appeared, agree to his Amendment in that respect, and, therefore, he would not press it. He would, however, proceed to propose an Amendment in the clause that related to the oaths of voters so as to continue these oaths exactly as they were fixed by the Act of 1829.

The Marquess of *Lansdown* said, that he was sure his noble friend near him had not the slightest intention of casting any imputation upon the learned Judges in Ireland. The only motive for passing the Bill, as it at present stood, was to save the Judges from imputations of party feeling in the selections of Barristers which they might make.

The Earl of *Longford* objected to the rejection of the old oath, as opening a door to the most extensive perjury.

The Marquess of *Clanricarde* said, it was begging the question to assert that the alteration would lead to perjury.

The Earl of *Roden* referred to a letter which he had received from an Assistant-barrister in Ireland, concerning the departure from the plan laid down in 1829, and declaring, from his own experience, that there could be no doubt that the operation of the change would be to lower the qualification, and to lead to much perjury.

The Earl of *Gosford* supported the Bill as it stood; declaring that no greater precautions could be taken to prevent perjury.

The Marquess of *Westmeath* was opposed to leaving the value of a freehold to the oath of the freeholder; no man should be a witness in his own cause.

The Earl of *Harrowby* had heard no reason given for altering the settlement made in 1829; and, without some reason, he could not consent to any change. He wished to know this—was the alteration made in order to prevent fraud, or with a view to lower the qualification?

The Duke of *Richmond* could assure the noble Earl that the intention was not to alter the qualification, but to adopt the best mode for carrying into effect the present system.

The House divided on the Amendment: Contents 24; Not-Contents 36 — Majority 12.

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ALBEMARLE
AMHERST
CHARLEMONT
GOSFORD
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VISCOUNTS.

GODERICH
MELBOURNE.

BARONS.

ARGYLL
AUCKLAND
DINORBEN
DUNDAS
FINGALL
FOLEY
HEADFORT
HOLLAND
HOWARD of Effingham
HOWDEN
LILFORD
LUDLOW
OAKLEY
SAY and SELE
SEFTON
TEYNHAM.

On the original question being again put, that the Bill do pass,

The Earl of *Longford* objected to the principle of the measure, as a change calculated to do more harm than good; one upon the whole not likely to produce any benefit to the country, or effect any improvement in the Constitution. He considered that this measure would, instead of reforming the Constitution, tend only to deform it; and he expressed his extreme regret at their Lordships having determined upon altering a system which had for such a number of years been found to work so well.

Bill passed.

RUSSIAN-DUTCH LOAN.] Viscount *Goderich*, in moving the second reading of the Bill, proceeded to state the circumstances under which the obligation on the part of this country was contracted. The king of the Netherlands had stipulated to make some return to the Allies for the sacrifices they had made in his behalf, and the benefits he had received at their hands; and these, so far as payments in money were concerned, the Allies had agreed to hand over to his imperial majesty. The king of the Netherlands accordingly, by the Treaty of 1815, to which Great Britain was a party, bound himself to pay to the house of Hope, in conjunction with this country, certain sums of money due to it by the emperor of Russia; and likewise, bound himself, in conjunction with this country, to make a series of payments to Russia, which was to cease in case the Belgian territories should be severed from or pass away from the dominion of the house of Orange. The word in the French was *soustraites*, but it had been translated by the words he had just used. But in addition to the treaty, there were two secret articles—by one of which it was provided, that if any portion of the Belgian territories was permanently severed or passed away from the dominion of Holland, an equivalent portion of the obligation to which this country was a party should cease and determine; and by a second article it was provided, that if any temporary severance should take place by the violence of an enemy, the payment should not cease until the severance which had taken place should have continued for a period of twelve months. The events, however, which took place in 1830 altered some of the circumstances belonging to this arrangement. After these events, it was undoubtedly true, that the specific terms of the original contract did not strictly and legally apply, because a severance had actually taken place, and the Belgian provinces had passed away from the dominion of the house of Orange. At the same time, it was quite obvious that, in December, 1830, nothing had occurred which should have prevented them from paying the amount of debt then due. He thought, too, that the same reasoning applied to the similar payment made in 1831. But, then, undoubtedly an event had afterwards taken place, which materially altered the situation of affairs. They had then to consider how far the original circumstances of the Treaty were in force, the king of Belgium having been acknowledged by England, and consequently a severance of the Belgian territories from Holland having *de facto* taken place. It was then felt, that at the end of twelve months, according to the literal construction of the Treaty, his Britannic majesty would have been entitled to claim that the payment to Russia should cease. And this it was, that led to the Convention of November, 1831, in which this country undertook to continue the payment, although the legal conditions of the original bargain had ceased to be binding upon it. His Majesty's servants had felt, that in equity and good faith, they were bound to continue their; payments under all the circumstances they had, therefore, recommended that new obligation in November, 1831; but the Convention was not then ratified. Now, however, it was ratified, and was consequently binding on both parties; and, therefore, his Majesty's Ministers came to Parliament with this Bill, the second reading of which he then, without troubling their Lordships with further observations, begged leave to move.

The Duke of *Wellington* said, he understood the noble Lord to maintain, that by the Treaty of 1815, the emperor of Russia had up to this period a legal claim to those payments.

Viscount *Goderich* meant to say, that he thought the legal title of the emperor of Russia good, and he had no doubt whatever as to his equitable title which went further than his legal title; but, as some doubts existed elsewhere, it became necessary to have an explicit understanding between England and Russia upon the point.

The Duke of *Wellington* said, the first question which they had to consider was, whether all the payments up to the last were strictly legal? He agreed with the noble Viscount in his statement of the circumstances which led to these payments, but he did not agree with the noble Viscount in thinking, as was to be inferred from his speech, that, up to the last hour, there was a legal right to make those payments to the emperor of Russia. He denied that, up to the last moment, Russia had a legal right to the payments agreed upon under the Treaty of 1815. In his opinion, it was doubtful if the right existed in December, 1830. At that period, both the King of England and the emperor of Russia had agreed that Belgium should be independent of Holland; and if it were to be so, surely Belgium must have passed away, according to the terms of the treaty, from the dominion of Holland. Well, at a later period, there came to be this transaction: Prince Leopold was acknowledged by this country as king of Belgium, and his Majesty had been even pleased to send an Ambassador to attend him, which established the point beyond doubt or dispute, that Prince Leopold was, according to the law of England, king of Belgium. From that moment Belgium had passed away, and was severed from Holland. Under these circumstances, the question was, not whether his Majesty was under a moral obligation to continue these payments, but whether the law of England authorized and enabled his Majesty's Ministers to pay the money? This was to be decided in the first instance. He fully admitted the claim of Russia; but he maintained, that the case which had arisen was an omitted case. The Act, consequently, did not, and could not, apply to it, and, therefore, Government could not have paid the money according to law. The Ministers might have been right to pay the money. He would not dispute that: but, having so paid it, they ought to have come down to Parliament and asked for a Bill of Indemnity. The noble and learned Lord on the Woolsack had, on a former occasion, argued with some ingenuity that Government, which had consented to the separation of Belgium, had no right to profit by its own act, and refuse the payments to the emperor of Russia, as his Imperial Majesty had not then signed or ratified the treaty of separation; but that circumstance, however it might be used in favour of the emperor of Russia's claim, did not, by any means, give the necessary legal authority to Ministers. It might be an act of injustice to the emperor of Russia that he should not be paid, but, however that was, the Government, having no legal authority, were bound at once to come before Parliament for the necessary powers. This was a position from which all the eloquence of the noble and learned Lord could not shake him; and he would always maintain that Ministers neglected their duty when they omitted to come to Parliament for authority before they made any further payments under the Treaty of 1815. To clear up the matter, he would ask, if we were bound to pay, was not the king of the Netherlands equally bound to pay? Did not both parties stand precisely on the same ground? But that monarch said, it was an omitted case—that he was not bound by the treaty—and that he would not pay. Under all these circumstances, he thought that Ministers, in proposing this measure, should have explained to Parliament the particular system on which they were acting—should have given a statement of the objects they had in view, and the means they had of carrying them into execution. It was impossible to consider the measure now brought forward, without adverting to the manner in which the system pursued by his Majesty's Ministers was carried on, and what that system was. He understood that the king of the Netherlands was called on and menaced, in case of his not complying with that call, to sign a treaty for the separation of the greater part of his territories from the dominion of the House of Orange, and for various arrangements which he conceived would be most injurious to the interests of his ancient kingdom and of his family; and that this had come to pass, not in consequence of any mediation or arbitration which he himself asked for, but by the command of five sovereigns, imposed upon him contrary to his inclination, and, as he believed, to the interests of his country and his family. Now, this was one of our most ancient allies, in favour of whom we had expended our blood and treasure, that was thus treated by his Majesty's servants. If their Lordships would look to the whole course of the transaction, they would see that the king of the Netherlands was pressed to the signing of this treaty, so disagreeable to him, not by the Five Powers in the same degree, but by two of those Powers, one of which was England. The other three, although they desired the execution of the treaty, yet adopted some reserve; and, while they wished his majesty to sign, were desirous of witnessing the modification of certain objectionable points. Yet the other two Powers were determined, it would seem, to enforce the treaty as it stood, even at the expense of war. They threatened the king of the Netherlands with war, unless they should attain their objects—unless they could obtain the submission of the king to the treaty, in a form which he considered inconsistent with the welfare and independence of his ancient dominions. He regretted to say, that it was the Councils of this country which were most inimical to the king of the Netherlands. By the treaty it was provided that the king of Holland should open the navigation of his canals in communication with the Scheldt, the Meuse, and the Rhine. Now he had seen the details of the negotiations (and if the noble Lord would produce the documents, their Lordships would see that what he would state was a fact), that France and the Powers of the Rhine felt no disposition to press the king of the Netherlands on a point which he considered essential to his interests—a point, moreover, which was surrounded with great difficulty—one in which Great Britain had no interest, and from which even Belgium could derive no benefit, because she could not navigate the Rhine, without the permission of the powers of the Rhine, unless by paying the duties demanded from strangers. Besides, there were other things demanded from the king which it was hard to grant, but which he did not, nevertheless, refuse—such as the ceding of certain of the ancient territories of his house, the conceding the right of fishing, and other things. The king of the Netherlands was not disposed to agree to all the things demanded, but he was willing to make every concession consistent with his own reason and the independence of his country. But he was, notwithstanding, to be forced to sign a treaty, which was, on all hands, admitted to be objectionable—to need correction and revision—in the first instance, and then he was to trust to the chance of having it afterwards modified to meet his wishes by the Powers which forced him to sign it. Their Lordships must see, therefore, connected as this Convention was with the system of foreign policy pursued by the Government that they ought not to be called upon to decide concerning it till they were in possession of full information. They were entitled to some explanation upon a subject so important. Ministers were bound to explain the grounds of their anomalous system of foreign policy, before Parliament agreed to intrust them with a single shilling of the public money to promote the object of that policy. That policy was entirely framed in subservience to the new alliance which Ministers had, from their accession to office, so sedulously cultivated with revolutionary France, and which he solemnly warned them against, as fraught with peril to the best interests of this country. To it was owing the present lamentable condition of our two most ancient allies, Portugal and Holland. What but it had led to an outrageous attack upon the navy of Portugal, under the very walls of the Portuguese capital, by the French fleet? And what but it had lately occasioned an hostile invasion of that country, the bloody consequences of which who could see the end? And thus it was that we were treating our ancient ally, on whose soil we had expended so much of our best blood, and with which was inseparably associated the recollection of some of the brightest periods of our national glory. But it was not only Portugal that our pernicious policy was thus calculated to infect with anarchy and civil war; its injurious consequences, he feared, would extend to our other ancient ally—Holland. Let the House consider for a moment the present critical situation of that country. Supposing, in the first place, that the mere threats of England and France should not avail to induce Holland to evacuate Antwerp, were those two countries prepared to, of themselves, enforce that evacuation? Was France to march an army for that purpose, and was this country to aid with a naval armament? And if so, how would this hostile interference affect our relations with the other three parties to the separation? Then look at the consequences of our French alliance, so far as the feelings of our allies were concerned, and, through them, our influence. Would France have ventured—he might say, without offence, dared—to take possession of Ancona in the manner in which she had done, but for her belief that her conduct would command, at least, the negative co-operation of this country? He would ask their Lordships, then, whether, under such circumstances, and with all these facts before their eyes, they would adopt this measure, blindfolded as it were, and without any statement whatever of what was the intention of his Majesty's Government with respect to the new line of policy that was to be followed? He trusted that noble Lords opposite would see that they owed some statement on all these points to both Houses of Parliament, before they ought to seek to carry this measure through their Lordships' House. He (the Duke of Wellington) was desirous of the most friendly feeling being maintained between this country and France, and he was aware of the necessity that this country should maintain those amicable feelings, if it was intended or desired to keep and preserve the peace of Europe. He confessed that he should have wished, before the treaty was brought forward, or this Act of Parliament was proceeded in, that his Majesty's Ministers had brought the affairs of Holland to a conclusion, and that they would have been enabled to state something to their Lordships as to what was the system they intended to pursue, or what was their general plan of foreign policy. As the case stood, however, he should not give any opposition to this Act of Parliament; at the same time, he did not think the preamble of the Bill accurately stated what it ought to state, or that it was drawn up in a manner at all satisfactory to Russia. So far as his feeling was, he should have been glad if it had been drawn up in a different manner, but he should not object to the Bill.

Viscount *Goderich* said, that undoubtedly if he thought, by asking their Lordships to consent to the second reading of this Bill, he was calling upon them to sanction this treaty, or to prevent their Lordships from bringing forward any Motion with reference to the foreign policy of this country, he should not be one to press it. But, in asking this second reading, he was not endeavouring to pledge the House. If he sought to do that, he should concur with the noble Duke in thinking that it would be a most improper course for him to pursue without giving their Lordships much further information. But he contended, that this Bill had nothing to do with, and was independent of, all those considerations which the noble Duke had urged. The Bill was independent of all those topics, either with regard to Belgium, or to the foreign policy of the country generally, to which the noble Duke had alluded. The noble Duke had admitted, that his Majesty's Government were bound to pay the money, and, therefore, he (Lord Goderich) did not see any reason why he should be bound, in asking their Lordships to assent to this Bill, to give an explanation of the foreign policy of his Majesty's Government generally. He would only allude to one point which had been urged against his Majesty's Government, namely, with reference to what the Government had done with respect to payments, and that it was the duty of the Government to have come to Parliament for a Bill of Indemnity before any payments were made, because it was said, in point of law, the Government were not bound to make them. Now he could not help thinking that the Government, supposing, as they did, they were bound to make the payment, ought to be slow in calling for Bills of Indemnity, except in case they had been compelled from necessity to make it, or that they had acceded in error to the payment; and, therefore, if they did not think that in making the payment they violated the law, it was not for them to seek for any Bill of Indemnity.

The Duke of *Wellington* could not but say, that what he complained of was, that their Lordships should be called upon to pass an Act of Parliament, which went to recognize, or agree to, any treaty connected with Belgium, and, indeed, the whole question of the foreign policy of his Majesty's Ministers, without having any case or sufficient information laid before their Lordships.

Lord *Wynford* expressed his surprise at hearing it assumed by the noble Viscount, that the question of legality had been admitted and settled by the proceeding some time before in their Lordships' House. No such decision was come to upon that occasion. What he then proposed to the House was, that the question of legality should be submitted to the Judges; and that proposition was met by a noble and learned friend of his saying, that it was not a case in which their Lordships, in his opinion, ought to make such a reference, and upon that objection the Motion was lost. But this was no decision in favour of the legality of the payment. So far from it, that his noble and learned friend, the very highest legal authority in the country, declared it as his opinion, and expressed his confidence, that the other fifteen Judges would concur in it, that there was no doubt of the illegality of the payment. He was, therefore, confirmed by his noble and learned friend in his view of the case, and still more by the refusal of the Government to send it to the Judges for their opinion. But after this, for the noble Lord to talk of the question of legality having been settled in the affirmative by the decision of that House, was to speak in total forgetfulness of all that passed in it upon the occasion. On this question he entertained a different opinion from that of the noble Duke who sat below him (the Duke of Wellington). That noble Duke seemed to think that the emperor of Russia had a claim upon this country, and, after what that noble Duke had said, he (Lord Wynford) thought that some claim did exist, but it should be remembered that the noble Duke had a knowledge of facts, which he could not with propriety communicate, but which ought to be stated to the House, on which he formed his own opinion. But without this information, he (Lord Wynford) could not agree to saddle the country with the payment of this money. It was incumbent upon His Majesty's Government to have given this information to the House before calling on their Lordships to make these payments, and their Lordships ought to have this information, before they could be justified in paying the debts of others, when the country would not perhaps (if things were pursued as they had been) be able to pay its own. With the revenues sinking, as they were, and without any hope of alteration, the country had a right to expect that some grounds at least should be laid for the payment of this money. As to the legality of the payment, he could not think that any man could hesitate to dispute its legality, and when it was remembered that Belgium was separated from Holland, that a King for Belgium had been selected by this country, that a minister was sent out to its court, and its minister received in the court of this country, it was impossible for any man to say, looking at the face of the treaty itself, that the two countries were not severed. There was no evidence to warrant the payment of this money, and he for one could not consent to this Bill. If the amount was not payable under the Treaty of 1815, it was not payable now, unless there had arisen some new circumstances with reference to Russia which were unknown to their Lordships. Let it be shown that the payment was strictly legal, and then let the payment be made, even if it was to the ruin of this country, and let that country end its career with honour at least. This was not shown, and the payment of so much of the public money at a time of so great distress could not be justified. It had been urged, that the exertions of Russia entitled that country to some compensation, but he would remind their Lordships, that, at the time of the treaty, the situation of Europe was very different from what it was at present. Belgium was then in the hands of a power which had ever been favourable to Great Britain, and the terms of the treaty contained the word, which, singularly enough, was precisely the same in its import to the words "passed away," or "severed from." The word was "*soustraites.*" Now it could not be denied that Belgium had passed away from Holland; and that it had been subsequently severed could not be denied, when it was indisputable that the French army had prevented Holland from taking possession of Brussels. That fact proved that a complete separation had taken place, and therefore he contended that the event contemplated in this treaty had happened, and that such being the case, the payments under it ought to cease. It was a maxim of national law, not to be disputed, that in construing treaties, no words could be added, nor could any be substracted, but the construction of them must depend upon the words they contain. But his (Lord Wynford's) position was not mere wild conjecture, for what had been the language of Lord Castlereagh, by whom the treaty was made? That noble Lord had said, on a former occasion, in the House of Commons, that it had been the object of the then Government "to give the greatest Power in Europe an interest in the conservation of the independence of Holland;"* and the noble Lord had also added, "It was said that Russia might again act, as from circumstances she was compelled to do last war, and in that case the payments by Holland would cease. If that period should arrive, our payments would also be suspended, as they would if by any circumstances the Netherlands should be separated from Holland."† The very words of the treaty, in addition to this, clearly manifested the understanding of all the contracting parties, and as regarded Holland, England, and Russia, such was their construction of the treaty. The noble and learned Lord here at some length cited the opinions of Baron Wolff with respect to the position he had taken as to the construction of treaties, and described that writer as one of the most eminent authors upon international law, and the noble and learned Lord quoted some of his writings, in confirmation of his own position, with reference to the strict rule in the construction of treaties. The noble and learned Lord then proceeded to remark, that Holland had refused to make the payments to which she was made liable under the terms of the treaty, and, therefore, he was at a loss to conjecture on what grounds England could be expected to make them. Holland had ever been attached to this country, even during the American war, and had always been as zealous of her honour as had this country. Whatever respect he might feel for the opinions of others, he should act upon his own conviction with respect to this question, and as no ground had been laid on which to support this payment, he, for one, should vote against this Bill. Without that information which it was the duty of the Government to lay before their Lordships, he would not consent to wring from starving thousands in this country the means of a payment which they were not bound to make. No grounds had been shown to justify Parliament putting their hands into the pockets of the people, and he therefore could not give his consent to the second reading of the Bill.

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* Hansard (first series) vol. xxxi. p. 746.

† Ibid.

The Duke of *Wellington* said, that as his noble friend who had just sat down had alluded to his (the Duke of Wellington's) reasons for offering no opposition to this Bill, he would venture to address a few words to their Lordships in addition to the observations he had already made. He had thought that the noble Viscount (Lord Goderich) and himself had entered sufficiently into the nature of the claim to make it clear to their Lordships. The claims of the Emperor of Russia were now, he considered, historical; no man could doubt them; and at the same time the treaties of peace down to the treaty of 1815, all recognized those claims. The claim had been recognized in the treaty between England, Holland, and Russia, and by the act of Parliament passed in 1816; and nothing could be more clear than that Russia was entitled to payment for services rendered to Holland during the war. The noble and learned Lord had said, and said truly, that this service was requited by the Treaty of 1815, and that the Emperor of Russia had accepted payment under it; and such being the case, there could be no doubt that if the territory of Belgium had passed away from Holland in the manner recognized by the treaty, the King of Holland must put up with the loss. He (the Duke of Wellington) had always thought the treaty of 1815 one of the greatest proofs of the consummate diplomatic skill of Lord Castlereagh, who had secured to this country by means of it extraordinary advantages. In relation to the question before the House, he must say, that the two countries (Holland and Belgium) having been separated principally in consequence of acts of this country, he did not say whether those acts were right or wrong, but the fact being so, the question immediately arose, "Had not the emperor of Russia a good claim for payment at our hands?" He thought it was clear that such a claim existed. No doubt what had occurred in relation to Holland and Belgium was "a case omitted" in the treaty, but that did not alter the claim of payment on behalf of Russia, which, as he had before stated, was recognised by all the treaties from 1814 downwards.

Lord *Wynford* admitted that, if the separation had been effected by England, then we were in honour bound to pay the money.

The *Lord Chancellor* observed, that he would trouble their Lordships with but a few words; indeed much of his noble and learned friend's argument had been answered by the noble Duke's short, but powerful reply. His noble and learned friend put the question, and justly, on the construction of the Treaty of 1815. The question was whether that treaty continued to be binding after recent events. He perfectly agreed with his noble and learned friend, that where the terms on the face of the treaty were unambiguous and undeniable, no one had a right to go beyond them. But a question arose on that point. If no doubt existed on the subject, then he allowed that it would not be right to resort to any consideration of the construction intended by the parties who made the treaty. But if there were great doubts on that point, then, even according to his noble and learned friend's own principle, they were obliged, agreeably to the opinions of Grotius and Vattel, to consider what were the intentions and views of the parties who made the treaty. The expressions of the treaty under notice, whether considered in the French or in the English, were clear. In English they were "severed or passed from;" in French, they were still stronger. The reflected verb, *se soustraire* was not used, but the phrase was *seraient soustraites*, and therefore the words did not express "until they had withdrawn themselves," but until they should be withdrawn." Even "severed" must mean severed by somebody; and "passed from" must mean to some other power. The case was undoubtedly *casus omissus*, but then it was one of those in which the exception confirmed the rule. The question could not be better understood than by supposing that a person who was to receive an annuity of one hundred pounds a year on the event of his not going abroad, had yet been forced by those who granted the annuity, to go abroad against his will, and still claimed the payment of the annuity. It could not, under such circumstances, be contended for an instant, that the payment of the annuity was avoided by the going abroad. The noble and learned Lord had quoted the speech of Lord Castlereagh, on the subject, in which, according to the noble and learned Lord, it was intended that the payments were to cease "if by any circumstance the Netherlands should be separated from Holland:"* but look at the next page of the speech, and it would be seen, that Lord Castlereagh explained his meaning in that passage thus —"as I have said, this payment would only be continued so long as the Netherlands were separated from France, and would cease if the family of the House of Orange should unfortunately be displaced."† It was evident, then, that in the minds of the framers of the treaty, the condition of the payment was the keeping the Netherlands out of the hands of France, the purpose indeed, for which the treaty was concluded, and not the continued sovereignty of the House of Orange over Belgium, the point for which the noble and learned Lord had contended. He argued, that in compliance with the spirit, nay, the letter of the treaty, we were bound to continue our payments to Russia till a severance took place between Belgium and Holland, which should throw the former into the hands of France. Let their Lordships observe, also, that (as stated by the noble Duke) the consideration for which Russia was to receive payment, had actually been performed previously to the date of the treaty, and the noble Duke very justly observed, that Lord Castlereagh merited much praise for having, over and above what we had already received, obtained some further terms in the way of binding up Russia in our policy towards the Netherlands. But if credit were due to Lord Castlereagh for his diplomatic skill on that occasion, it must be admitted that some credit was also due to those, who, thinking there were strong, equitable claims on the part of Russia to have these payments continued (looking only to the legal and technical construction of it) even after the obligation of the treaty had terminated, and even after the entire separation of Belgium from Holland had been promulgated,—some credit was due to those who had obtained something beyond the consideration for which the money was originally agreed to be paid. By the second article of the new Convention, Russia continued to bind herself to do nothing contrary to the arrangements agreed upon for the independence and neutrality of Belgium; and that, at all events, she would do nothing without a full communication with this country, and without her formal assent. The noble and learned Lord said, that Holland did not consider itself bound to pay its proportion to Russia. But see the difference between the situation of Holland and England. By its separation from the Netherlands, Holland lost *pro tanto* the means of making good its payments. We lost nothing by the separation. Besides (a still more important consideration) we were consenting, he had almost said assisting, parties to the separation. Not so the King of Holland who might therefore infer, that although we were bound to make payments to Russia, he was not, considering the material difference that subsisted between the two cases. England having done something to effect the separation, should not avail herself of her own wrong (so to speak) to avoid making payment. If she did, she would be acting like the dishonest granter of an annuity, before mentioned, who should spirit the annuitant out of the country, and then refuse to pay the stipulated sum, on the ground that the annuitant had "gone abroad" and so violated the condition of the stipend. But it had been said "If the payments were legal in January, why not legal in June?" The answer was, because of the Convention which had been ratified in the interim. It was asked, "Why was not this Convention mentioned or laid before Parliament sooner?" For this simple reason, that, consistently with all diplomatic usage, a treaty could not be submitted to Parliament until ratified; and that it would have been most unbecoming if, with a view to meet a factious opposition, Ministers had deviated from the reasonable course of such negotiations, by quoting or producing an incomplete Convention. Then it had been said, "What occasion for this new Convention? Does not the framing of it show that the payments under the old treaty were illegal?" Did the noble and learned Lord never hear of a declaratory Act in cases where doubts had arisen? Might not Russia have said, "Doubts may arise as to the payments after the conclusion of a treaty of separation, let us have a new Convention." The whole arrangement was in effect precisely in conformity with with the spirit of the Treaty of 1815, which looked to the necessity of preventing Belgium from being united to France, and as such it was considered. He would not conclude his observations without alluding to the expression of an opinion which had dropped from the noble Duke, an opinion which he had not heard for the first time, that it was the duty of this country to cultivate the friendship of France, but that the best way to do so, was not to form alliances with her. He agreed with the noble Duke on the propriety of cultivating the friendship of France, but as to the question of abstaining from alliances, it was an abstract proposition, which he neither affirmed nor denied, as there were many circumstances connected with it which must be argued according to the position in which they were placed. Reverting to the question of theRussian-Dutch Loan, he might observe, that Ministers did not order payments to be made, without taking the advice of the law officers of the Crown, and obtaining the sanction of their opinion as to the legality of the act. Not only had the law officers, appointed by his Majesty's present Ministers, agreed as to the propriety of the payments, but their opinion had been strengthened by the concurrence of the highest law officers of the Crown in questions of this kind he meant the King's Advocate a gentleman who held office under the late Government, and did not agree in politics with the present. In that opinion, on the fullest and most careful consideration of the entire case, he (the Lord Chancellor) felt himself bound to concur.

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* Hansard (first series) vol. xxxi. p. 748.

† Ibid. p. 749.

The *Earl of Aberdeen* said, that the noble and learned Lord who had just sat down, seemed to have forgotten to refer to the Act of Parliament. He had confined himself to the obligations existing in the treaty, and had totally forgotten to allude to that which alone authorised them to make payments. He admitted, that his Majesty's Government might very properly take into view the circumstances influencing the execution of that treaty, but they were bound to proceed upon the strict letter of the Act of Parliament. If the opinion of the law officers of the Crown, to which the noble and learned Lord alluded was, that the payment was legal under the Act of Parliament, and upon the equitable construction of the treaty, before their Lordships knew what value to attach to that opinion, they must see upon what grounds and from what documents it was formed; because, as far as the words of the Act of Parliament were concerned, it was utterly impossible that any man could doubt the payment to be illegal. He did not blame his Majesty's government for making the payment; it was possible that circumstances might have rendered that desirable or even necessary; but it was impossible for their Lordships to know, without seeing the grounds on which that opinion was formed, whether or not it furnished any authority for the acts of the Government. If the noble and learned Lord had good reasons for maintaining the legality of the payment under the existing obligation of the treaty, he did not very clearly see what necessity there was for this new Convention into which his Majesty's Government had entered. The noble and learned Lord had said doubts might have arisen which it might be desirable to dispel, and asked, had their Lordships never heard of a declaratory act? But the nature of this Convention was totally different; it proceeded on the assumption that the obligation had ceased; its object was not to dispel doubts, but to construct a new engagement. Amongst other reasons which he had for objecting to it in the form in which it appeared, was this, that the preamble founded all the proceedings on delusion and erroneous statements, which, he could prove in one minute. The preamble to the Convention stated,—'That in referring to the object of the 'above-mentioned Convention, of the 19th 'of May, 1815, it appears that that 'object was to afford to Great Britain a 'guarantee that Russia would, on all 'questions concerning Belgium, identify 'her policy with that which the Court of 'London had deemed the best adapted for 'the maintenance of a just balance of power 'in Europe.' Now, on what did his Majesty's Government found that assertion? Where could their Lordships find any such obligation? Not a vestige of it was to be found in any of the treaties which regulate the union of Holland and Belgium. The Convention which stipulated the payments proved that it was a gratuitous, an entirely gratuitous assumption on the part of the framers of this Convention. In the fifth article of the Treaty of May 19, 1815, it was provided, that the payments shall be continued even if the contracting parties be engaged in war. It was perfectly clear, that the course pursued by Russia could not possibly be in accordance with that taken by this country, if this country were actually at war with Russia; no, the single condition by which was secured the continuance of the payment, had for its object the continuance of the union of Holland and Belgium; even war was not to free us from the obligation, so long as that union subsisted. But to say that the engagements of Russia were to follow the course of this country in all that respected the balance of power in Europe, was merely an assertion for which there was no shadow of a foundation in fact. The noble Lord had described very truly the circumstances in which the engagement was undertaken, and had observed, that the event which had occurred, the species of severance which had taken place, was an omitted case in the treaty. Omitted it certainly was, and he admitted, that if Lord Castlereagh, in negotiating the treaty, had been asked the object of this Article when it was drawn up, he would undoubtedly have answered, that it was intended and directed against France, against the hostile aggression of some state. It was also perfectly natural that parties stipulating in this manner, should not provide for the event which had occurred, namely the successful revolt of part of their own subjects. But suppose there had been established a provision for such an event, and that Lord Castlereagh had been asked how would the engagement stand then? There was not the least doubt, that he would in such case have said, that, "provided the separation takes place, we shall be freed from any such engagement, whether it arise from the invasion of a hostile force, or the successful revolt of rebellious subjects." He had good reason to know that explanations did take place at the time with reference, not to the occurrence of a successful revolt, but to the possibility of this country continuing its payments to Russia after Holland should have been relieved from them, and that the opinion and declaration of Lord Castlereagh was, that we should in such case, follow the example of Holland. But, he considered it of no consequence in the discussion of this matter, whether the countries were severed by internal or external violence; the real omitted case in the treaty was that which had actually occurred, the consent, assistance and active support of England towards effecting the separation. If Russia at the time of signing the treaty, had said to us, "suppose you change your policy, and instead of continuing this union, endeavour to separate the states composing it," there is no doubt in the world that Lord Castlereagh would have consented in such a case to continue the payments, for the possibility never could have entered into his imagination of this country becoming a party to the separation. He admitted, then, that the present case was a *casus omissus*, it was one which Lord Castlereagh never contemplated, and it was one which gave Russia a claim, which this country could not refuse. There was one important part of the question which the noble Lord had omitted altogether. Had the treaty been between Russia and this country only, the matter would have been simple enough. But the treaty was a tripartite treaty, and the most important obligations had been contracted with Holland, for Holland had begun by giving to this country a very valuable inducement to take upon us a proportion of the Russian debt. He wanted, then, to know what communication had taken place with Holland, and in what condition she would feel herself to be with reference to this country? If, as the noble and learned Lord said, the original treaty was still in force, then Holland also would be bound by it, and it should not have been put an end to without her participation. It was evident to him, that the two treaties relating to the subject should be taken together. By that of August, 1814, Great Britain took upon herself an expenditure, which was not to exceed three millions sterling, for the establishment of the kingdom of the Netherlands, but the former treaty had been not only for the establishment but for the defence. It must be recollected that this was not a gratuitous agreement on the part of this country. Holland, in consideration of these undertakings, ceded to his Britannic Majesty the Cape of Good Hope with its dependencies, Demerara and Berbice, and it was now plain, that Holland would have been much better off had no such engagement been concluded. It was an engagement intended for her benefit, but it had been made to operate materially to her injury. Holland, but for this engagement would have been entitled to reclaim her colonies, and by the separation from Belgium she would have been freed from her debt. It might, perhaps, be said, and it would be quite consistent with the spirit of hostility to Holland which now seemed to actuate his Majesty's Councils, that we held the colonies of Holland by the right of conquest, but nevertheless it would not be true. The right of conquest was not the right of permanent possession until confirmed by atreaty of peace. And upon this principle we had acted towards Holland, considering always that the right of possession was in her. The question, then, with respect to these payments was as to the right of Holland rather than the right of Russia. It was said, that we owed the money, and were therefore bound to pay it to somebody, and therefore he supposed it was,that Ministers thought they could not be wrong in paying it to Russia. Here arose a very delicate question, however, as to the rights of Holland. We were not yet at war with Holland, and between her and ourselves the treaty was still in full force. When it was said that the colonies of Holland were held by the right of conquest, it was forgotten in what circumstances and from what power we took them. They were not taken from Holland, but from France, for with Holland we had never been at war. This argument, then, of the right of conquest proved nothing but the hostile spirit of his Majesty's Ministers towards Holland at the present moment. At the conclusion of the war, a distinguished nobleman, who still lived in the respect of the country, although he had withdrawn himself from the discussions of that House, said that, in the 'character 'of umpire, which Great Britain would 'assume, we ought generally to be guided 'by the strictest impartiality; but if there 'be an exception to this rule—if there be 'one part of the Continent occupied by 'France to which we might be justified in 'looking with peculiar interest, with 'something like paternal concern—it would 'be for the re-establishment of the independence of Holland. Amongst all the 'powers sacrificed to the inordinate ambition of Buonaparte, I know of none, 'Holland excepted, that can truly assert 'they fell victims to their alliance with 'Great Britain. In the hour of danger, threatened by an overwhelming force, Holland 'looked to this country for aid, and could 'any assistance have availed, this nation, 'I am convinced, would have made any 'sacrifice to have saved its falling friend.'* This was the opinion of Lord Grenville. But it had now become an obsolete and antiquated prejudice. Nothing was now heard of the duty and policy of supporting Holland. The necessity of war with that country had become the fashionable doctrine. He could only say that, if they were to go to that extremity it would be the most extraordinary and incredible result of a negotiation which the world had yet witnessed. If the noble Lords opposite did go to war with Holland it would be a matter of great curiosity to see their declaration of war. Upon what colourable pretence could such a war be defended? Was it that the king of the Netherlands refused to surrender rights which he believed to be essential to his independence? Was this a ground for war, and to be alleged by Ministers professing to act upon the principles of non-intervention? If so, all idea of justice in the transactions of nations was at an end, and no people would have any other security for their rights than the power of defending them. If there should be war with Holland, the real cause of it would be, that the Conference of London had come to two contradictory decisions, both of which it had declared final and irrevocable. It might be said, that when he spoke of war, he used strong language. Noble Lords would disclaim all idea of war. They did not mean to strike a blow against Holland, but only to exercise a little gentle coercion. He would tell them, however, that if they blockaded the Scheldt, they were at war with Holland as much as if they blockaded Amsterdam. The step would be irretrievable, and would lead to consequences which noble Lords would do well to consider; for they might rely upon it that the Dutch were a people who would carry on war, not in our way, but in their own. We might, indeed, begin this war in conjunction with France, but before the end of the game, he should be greatly deceived if the parties should not be found to have changed sides. And what would be the object of blockading the Scheldt? What but to place Antwerp in the power of France? The position of the Prince now on the throne of Belgium, without referring to his affections or sympathies, was sufficient proof that this must be the effect of such a measure. He so deeply lamented the intrigue which placed Leopold upon that throne, that there was no Prince in Europe, not even the Duc de Nemours, whom he would not rather have seen in that situation; for then there would have been no motive to estrange this country from its natural and advantageous alliance with Holland. It had been the opinion of the greatest Statesmen of this country, and of Mr. Pitt among the number, that the union of Holland and Belgium was most desirable, because it was impossible that they could be separate and independent. The Netherlands had been deprived of their material defence by the destruction of the frontier fortresses, and in lieu of this had been substituted a paper guarantee of neutrality, which was not of the least value, as there could be no doubt that the Powers who extended this guarantee to the neutrality of Belgium would, in any emergency, pursue what they might consider their present interest. It had always been the policy of this country to keep Belgium independent of France, and this anxiety for the independence of Belgium was for the sake of Holland. But now they had given a guarantee of neutrality, and had destroyed the frontier fortresses. With respect to the loan, it appeared to him that the payments should either have been continued provisionally, while waiting the course of events, or, what would have been still better, that they should have been suspended, with the view, if the equitable construction of the treaty seemed to require it, of entering into a new treaty. He would not attempt to follow the history of the negotiations which had been carried on with reference to the affairs of the Netherlands, but the point to which they had at last arrived, seemed to be this—that they were about to resort to the *ultima ratio*. He had already expressed the opinion, that the king of the Netherlands never would, and if he would he could not, submit to the Articles proposed to him by the Conference. Impressed strongly with this opinion, he had tried some time ago, but in vain, to persuade his Majesty's Ministers to procure from the Conference a modification of the twenty-four Articles. And how did the matter stand now? His Majesty's Ministers had been compelled in substance, although not in form, to abandon the Articles. They had been compelled to say to the king of the Netherlands, in effect, "sign the twenty-four Articles, and you need not believe that you have signed more than twenty-one of them." This Conference assumed a tyrannical dominion, not only over right and justice, but over common-sense. The king of the Netherlands was to sign the Articles, but the execution of them was to be suspended until he had concluded an agreement with the king of Belgium to his own entire satisfaction. The five Powers found themselves in a difficulty, in consequence of their own impolitic, arbitrary, and unjust proceedings, and they proposed to get rid of it by transferring the whole matter still in negotiation to the two Powers principally interested, Holland and Belgium. He was convinced that the king of the Netherlands never would sign those Articles, and if he did, that he would from that moment lose the affections of his subjects, which, to the present moment, he retained and deserved. The resistance of the king of the Netherlands was not a mere capricious and obstinate resistance. He refused to sign the Articles because he felt that their execution would be incompatible with his independence. He need adduce no stronger proof of this than the recent offer of Holland to allow to the Belgians the navigation of her waters, and the right of transit upon her roads, subject only to such municipal regulations as, within her own territory, and in the exercise of her independence, she had a right to establish. By accepting this offer all the objects of the Articles would have been substantially acquired. And yet for the idle purpose of compelling Holland to undergo the ceremony of signing a treaty already divested of its meaning, the dispute was kept open. And this was the situation in which noble Lords presumed to talk of going to war with Holland. It was impossible that this country should permit it. He could not consider the treaty with respect to the Russian-Dutch loan as an isolated transaction; it formed part of a system to which another treaty laid on the Table some time ago also belonged: he alluded to the treaty for the abolition of the frontier fortresses of the Netherlands. He considered it a most extraordinary proceeding on the part of his Majesty's Government to throw upon the Table, without a word of explanation, a treaty which subverted the whole system of policy by which the councils of this country had been directed for 150 years. Holland had been the chief contributor to the erection of these fortresses, and had she no right to be consulted upon the question of their demolition? Was she not entitled to a voice upon the subject? He considered the conduct which had been pursued towards Holland a flagrant outrage upon justice. He strongly objected also to the remaining arrangements. Belgium had to maintain the fortresses which were yet permitted to exist, but nobody was to have any right of inspection. How then was this agreement to be enforced? And what prospect was there, considering the new and close relation which was about to be formed between the king of Belgium and the king of France, that these fortresses would be any effective barrier against that country. He would not follow the whole series of protocols in this protracted negotiation at the present hour, and constituted as the House then was, but at a proper opportunity he should have no difficulty in showing, that the whole of the proceedings had been one continued violation of common-sense.

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* Hansard (first series) vol. xxvii. p. 16.

The Bill read a second time, and ordered to be committed.

Protest.] The following Protest against this Bill was entered upon the Journals by the Earl of Aberdeen:—

"Dissentient,

"1st.—Because admitting that the payment made by his Majesty's Government, subsequently to the possession and sovereignty of the Belgic provinces having passed away and been severed from the dominions of his Majesty the King of the Netherlands, might have been justified by a liberal construction of the treaty, and by the circumstances under which the separation was effected, we are of opinion, that such payment was not warranted by the Act of the 54th of Geo. 3rd, cap. 115, and was consequently illegal; and we think that the proposal of any legislative measure to authorize future payments ought to have been preceded by the introduction of the Bill of Indemnity for such a violation of the law.

"2nd.—Because we cannot but regard the Convention entered into by his Majesty and the Emperor of Russia, on the 16th of November, 1831, and the principles on which that Convention is founded, as forming part of a new system of policy by which the relations of Great Britain with Holland and Belgium are hereafter to be regulated; and we think it premature and unfair to call upon the House for a vote, which by implication, may be construed to sanction the adoption of a system not yet explained to us, and to approve the course of a negotiation not yet terminated; more especially, as we are still ignorant in what degree the independence and essential interests of one of the most intimate and valued Allies of this country may be affected by the result.

"Gordon (Aberdeen)
Ernest
Wellington
Rosslyn."

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HOUSE OF COMMONS,

Monday, July 30, 1832.

Minutes.] Papers ordered. On the Motion of Colonel Evans, an Account of the Number of Rate-payers in the different Metropolitan Parishes, and of those who had paid the Rates on or before the 5th of April last.

Bills. Read a second time:—Army Half Pay; Franking; Audit of Accounts (Ireland); Excise Accounts (Scotland).

Petitions presented. By Mr. Lefroy, from Rathcormack, for the Abolition of Slavery; and from the Orange Lodge No. 362, against the Grant to Maynooth College.—By Mr. Wilks, from Boston,—in favour of the Bribery at Elections Bill.—By Mr. Hodges, from Middle Kent, against the Malt Duty.—By Mr. Sadler, from Charles Stewart and Alexander Deans complaining that they had been turned out of their Employments for the Evidence they had given before the Committee of that House sitting to inquire into the operation of the Factory Regulations, and praying Relief and Compensation.

Postmaster General.] Lord *William Lennox* said, in consequence of some observations that had been made upon a former evening respecting the conduct of his noble relative, the Postmaster-general, in now taking the salary which for some months he had refused to take, he was anxious to lay before the House the documents connected with the transaction, and which would show it in its proper light. In so doing, he begged to state, he did not mean to impute the slightest blame to those hon. Members who had felt it necessary to allude to his noble relative. The conduct of public men ought to be fully and fairly discussed. Any false impression ought to be removed; and he was happy in having an opportunity of letting the House judge how the case stood. He begged to move for copies of the correspondence between Mr. Spring Rice, by order of the Lords Commissioners of the Treasury, and the Postmaster-general.

Mr. *Spring Rice* bore testimony that the Duke of Richmond and Lord Privy Seal had only taken the emoluments of their several offices at the special instance of the Treasury, and in pursuance of the Report of a Select Committee.

Mr. *Robinson* said, that his only remark was, to express his regret that the noble Duke had ever signified a desire to relinquish the salary attached to his office.

Lord *William Lennox* had understood that some sneer had been levelled at his noble relative. He was, unfortunately, not then present. An allusion had been made to the starving peasantry of Goodwood. He was happy no insinuations were made.

Return ordered.

COTTON TRADE — STATISTICAL RETURNS.] Lord William Lennox moved for a Return of the quantity of Cotton imported into this country during the last year.

Mr. *Littleton* thought this a good opportunity for urging the expediency of having a volume containing a statement of the commercial situation of the country laid upon the Table at the commencement of every Session of Parliament. He knew that his right hon. friend had been exerting himself in this matter, and he wished to inquire if there was any probability of such a volume being prepared and laid on the Table?

Mr. *Poulett Thomson* fully concurred in the suggestion of the hon. Gentleman, a compliance with which would, in the long run, be the means of saving a large sum of money to the country. A plan for the purpose had been nearly matured, and it was the intention of Ministers to act upon it in the approaching Session. The documents then presented would not be confined merely to exports and imports; but would also relate to the internal statistics of the country, so as to give every Member who chose to inspect them, a clear insight into its prospects and condition. Of course the first attempt of the kind must necessarily be imperfect, and it would be capable, perhaps, of great improvements; but at all events, it would render needless many of the Motions for Returns, the preparation of which at present cost annually so large a sum of the public money.

Mr. *Courtenay* said, there could be no doubt as to the utility of such a volume as that to which the right hon. Gentleman referred; but it was unfair on his part to leave the House to infer that this proposed work commenced with him. So far from that being the case, he could assure the hon. member for Staffordshire, that he at first took the compliment, with which the hon. Member closed his remarks, to himself. When he was at the Board of Trade, he employed himself in drawing up such an account, though he certainly had not the advantage which the right hon. Gentleman appeared to have had by way of assistance, for nothing was incurred in the shape of expense. A man ought not to talk of himself; but he might say, that the statement he drew up, was declared by an eminent merchant of Liverpool, to be worth all the papers that had ever been printed on the subject. That account, however, could only be made up one year in arrear. He wished every success to the plan in which his Majesty's Government was engaged; but he could not suffer it to be said, that these improvements began with them.

Mr. *Spring Rice* hoped that this arrangement might be improved in such a way as to give every requisite information. But he wished to refer to an observation made by the right hon. member for Totness, from which it might be inferred, that the undertaking would involve the country in expense. On the contrary, by it a great saving would be effected. The necessity of such a work was almost superseded, while compiling it was rendered comparatively easy by Mr. M'Culloch's work, which contained a great mass of information upon these subjects. He meant the *Commercial Dictionary*, a book admirably arranged.

Returns ordered.

STEAM NAVIGATION BILL.] Mr. Alderman *Wood* complained that the hon. member for Glasgow (Mr. Dixon), had, on Saturday, in a most unprecedented manner, taken the Steam Navigation Bill out of his hands, and by moving that it be read a second time that day six months, had defeated the measure.

Mr. *Dixon* replied that he had done so, with full notice to the hon. Alderman, who nevertheless persisted in quitting the House, although apparently not at all indisposed. He denied, therefore, that he had taken any unfair advantage of the absence of the principal supporter of the Bill.

Mr. Alderman *Wood* must continue to think himself aggrieved, and unjustly treated, for he had never heard of a measure being taken, as was done by the hon. Member, out of the hands of the person who introduced it.

RETIREMENT OF THE SPEAKER.] The *Speaker* addressed the House in nearly the following terms:—As the state of the public business indicates, at the present moment, the near approach of the close of the Session, and as I know not how close on the termination of this Session there may be a dissolution of Parliament, I hope the House will not deem me unreasonable in requesting to be allowed to present myself to their notice before my seat in this Chair shall be brought to a final conclusion. I have had the honour and the pride to be elected to fill this Chair in six successive Parliaments. I have at all times been impressed with the conviction, that the first and most important duties of the Speaker, were to maintain the strictest watchfulness over his own conduct, and to keep alive the watchfulness of this House in the maintenance of all their rights, privileges, and independence; to facilitate, as far as was within his power, the regular course of all public business; and to conduct himself to the House at large, and to every individual Member of it, with the strictest impartiality. I can most conscientiously, and I hope it will not be attributed to me that I speak arrogantly, when I boldly say that I have served this office with the strictest impartiality. I have not the temerity to place myself in contrast or comparison with any of my predecessors; but among the various duties that have been, by circumstances, imposed upon me, always laborious, often difficult and delicate, I have been cheered and upheld by the best encouragement and support—by the constant co-operation, the confidence, and the approbation of the House. I therefore hope that in my conduct in this Chair I have not been wholly inefficient; for, however various have been the changes during these successive Parliaments in the returns of Members of this House, I at least have seen no change in the kindness, the consideration, and the assistance, that all the Members have willingly afforded me; that kindness has been uniform and unvaried. I ought, after this announcement, no longer to trespass on your time; but, conscious as I am, and as every man must be, of the great variety of imperfections under which I labour, there is one to which I particularly wish to refer, and if at any time through infirmity of temper, or pressure of indisposition, there has been any inattentiveness or hastiness on my part, it must be attributed to these causes; incivility, I hope, there has never been. To any Member of this House to whom I may have appeared inattentive or hasty, I beg to express my most sincere and hearty regret. It is not, I hope, consistent with the general turn of my nature. I know it is inconsistent with the discharge of my duty. Before I go, the House, I hope, will pardon me for taking this opportunity of saying, that in my endeavours to discharge my duty, I am conscious that I must have committed many faults. The House, I am persuaded, will pardon them; and suffer me to say in one sentence, which proceeds from the fulness of my heart, that I owe them a debt of gratitude which it is impossible to describe, which any power of language, at least any that I possess, must inadequately express, but of which the deep and lasting recollection neither time nor circumstances can ever efface. [*The right hon. Gentleman, who spoke throughout with very observable emotion, sat down amidst the loud and continued cheering of the House.*]

Lord *Althorp* said, what I have just heard from you, Sir, I have heard with deep regret, because it announces to us the loss of your most valuable services; and I am sure I speak the sentiments of every Gentleman in this House, in saying, that in every respect those services have been most valuable to this House and the country. I have had the honour of a seat in this House during the whole of the period that you have sat in that Chair. I was present at the period of your election, and I hope I may be permitted to say that, although on that occasion I did not agree with the majority, yet, that subsequent experience proved to me, that which I am happy now to have the opportunity of stating publicly, as I have often before stated it in private, that the House could not at that period have selected any individual better qualified than yourself to sustain your high station. That station is one of great difficulty; you have to maintain the order of this House; but your peculiar felicity in the discharge of that difficult duty has been to exhibit the greatest urbanity of manner, the greatest kindness towards every Member of this House; and I am sure that every Member will agree with me in saying, that by the exhibition of those qualities you have greatly facilitated the discharge of your duty, and have entitled yourself to the gratitude of us all. You have, during the course of the period you have sat in that Chair, been called on for a degree of exertion which I believe has never before been required from any Speaker. Although others have sat as Speakers for a longer period, no one has had such laborious duties to perform, and I am perfectly confident that no one ever performed those duties in a manner more satisfactory. I have personally felt the great kindness which you have always been ready to show. You have assisted us when we have been in difficulties. Instead of standing strictly upon forms, you have gone out of your way to assist us in the conduct of business, and I am perfectly satisfied, from long experience in this House, that you have facilitated the despatch of public business with the greatest credit to yourself, with advantage to the public, and in such a manner that we are never likely to see exceeded, if we see it equalled. The feeling of regret which I have expressed is, I assure you, Sir, the sincere feeling of my heart. I am most sorry that we should lose the advantage of your services. I should have been most happy that you should have taken the Chair in the new Parliament; for your experience would have conduced greatly to the advantage of the public. We cannot, however, call on you to make greater sacrifices than you have already made; and the only thing we can do is, to regret the loss of your services, and to hope that your place may be supplied by one who will endeavour to follow your example. I now address myself to the House: I am confident that there will be no dissentient voice on the Motion which I am about to submit to the House. The feelings of every one must lead him to wish that we should pass a Vote of Thanks to the Speaker; and it will therefore not be necessary that I should urge any arguments in favour of my Motion. I shall conclude by moving, "That the thanks of this House be given to the right hon. Charles Manners Sutton, Speaker of this House, for his eminent services in the six Parliaments, during which he has discharged the duties of Speaker with a zeal and ability alike honourable to himself and conducive to the progress of public business; that he be assured that this House feel the strongest sense of the advantage which it has derived from his attachment to the interests of his country, from his unwearied assiduity during a period of unexampled labour in this House, from the steadiness and firmness with which he has on all occasions maintained the dignity and privileges of the Commons House of Parliament, from the attention which he has paid to the order of our proceedings, and from the urbanity and kindness which he has uniformly displayed in the discharge of his high and important duties."

Mr. *Goulburn* said, he trusted he might be permitted to have the honour of seconding this Motion. He (Mr. Goulburn), like the noble Lord, had been one of those who was present at the right hon. Gentleman's election, and, like him, he could bear the strongest testimony to the unvarying propriety of the right hon. Gentleman's conduct in the Chair. He stood, in one respect, in a peculiar situation towards the right hon. Gentleman. He had the benefit of his early acquaintance, and on the occasion of his being elected Chairman of that House, he was convinced that, in supporting his nomination, those advantages would arise from it that had been enumerated by the noble Lord. He could well remember, that although there had been two candidates for the office, there was not, he believed, one dissentient voice as to the qualification of the individual elected, however there might have been, with some, a preference of one candidate to the other. At that time none expressed a doubt as to the propriety of the choice made by the House, except the right hon. Gentleman himself. There was no task more difficult than to state particular grounds of approbation where all had proved so satisfactory. He should not, therefore, enter into a detail of the manner in which the duties of the Chair had been discharged. All must be aware of that urbanity which had been uniformly displayed towards every Member of the

House, and by which their dignity had been maintained on occasions of the most trying nature. He had not the least doubt that hereafter, when any individual reviewed the last fifteen years of the proceedings of Parliament—if he looked upon them as an impartial historian—he doubted not that he would record them as forming a period of our history, when the rights of the House of Commons were best upheld with the least pretensions. The right hon. Gentleman was not only entitled to official consideration, but every Member of that House was bound to him by the ties of affection. He would not detain the House further than by adding the expression of his regret—a regret which must be common to all who heard him—that the period had now arrived when they must of necessity be deprived of services so valuable. He must be permitted to say, that whether it pleased the right hon. Gentleman to retire into the walks of private life, or to continue to take an interest, or a part, in the great concerns of the nation, whichever of these alternatives he might adopt, that House and the country would retain a grateful recollection of his services, which throughout the empire, had awakened one concurrent voice of approbation.

Mr. *Littleton:* I cannot let this subject pass without bearing my testimony to the preeminent services which you, Sir, have rendered to the House and to the country by your superintendence of the parliamentary business. The 800, or, perhaps, the 1,000 Gentlemen who have formed the House during the fifteen years you have filled that Chair, will bear testimony to the qualities by which you have never failed to adorn the station you have occupied. I should feel extremely sorry if I allowed this opportunity to pass without observing upon one point, with which, in my capacity of a county Member, I am, perhaps, more conversant than many other Members who have seats in the House. I allude, Sir, to the constant and vigilant attendance which you have so beneficially given to the purification of the proceedings which relate to private bills, as well as to your excessive kindness and urbanity towards all Members who have been under the necessity of seeking your advice on such occasions. I feel, and I am sure very many who now hear me must also feel, that we have often trespassed too largely upon those moments when you had retired from the arduous duties of that Chair, and when you had every claim to remain undisturbed and uninterrupted in the relaxation essential to your health. I cannot, however, resist my sense of duty in reciting this one essential fact, that, in the first Session of Parliament in which you filled that Chair, one bill in five was found in some respect, to be informal, and contrary to the Standing Orders of the House; whilst, in this last Session, owing, Sir, to the proceedings which you have established, the proportion has been only one defective bill in seventeen. The public have gained greatly by these arrangements, as well as by your general vigilance. It would be in bad taste, and, perhaps, unpleasant to you, Sir, were I to think it necessary to detail elaborately the value of your services—services which have spoken for themselves so eloquently, and with such powerful results. Although I will abstain from this, I yet could not, without injustice to my own feelings, and a violation of what I consider my public duty, but advert to these facts, especially in relation to my having seconded the Motion that you should take the Chair in the year 1817. I am sure, Sir, that in the observations which I have made I have only spoken the sentiments of the class of Members to which I belong.

Sir *Francis Burdett:* I should not feel satisfied with myself, Sir, if I were to sit still without stating the result of my experience of your conduct in that Chair. In one point only do I differ from the noble Lord who has made this Motion. Like him, I am satisfied that the House could not have elected any one better qualified to fill your high office than yourself; but, unlike him, I thought so at the time of your election; and I had the good fortune —not being swayed, as I hope I never was nor ever shall be under such circumstances by feelings of a political cast—I did then, and I say now with pride that I did it—I did myself the honour of voting for your appointment to the Chair. I repeat, that I am proud and honoured by having given that vote. Your ability all are ready to acknowledge; but if there is any one thing which more than another gives a greater dignity to your office it is not merely your ability or your independence, but under every circumstance of difficulty, your gentlemanly deportment. I will not say, that the persons who come after you will not be able to equal you in this merit; but this I will say, with the utmost confidence, that it is quite impossible any person should ever be your superior. And this will be, in my opinion, the great difficulty we shall feel in finding a fit successor. The labours you have undergone are such as were never surpassed, and, I believe, never equalled by any former Speaker; and, excepting one day, on one melancholy occasion, you have never been absent from the discharge of your duty. Most heartily and cordially do I agree with the Motion of the noble Lord.

Sir *George Murray:* I most cordially concur with the Motion of the noble Lord, and beg to take this opportunity of expressing my conviction of the excellent manner in which the business of this House has been conducted while under your management. I regret most deeply that the business of the new Parliament is not to commence under your guidance. We are about to try a great experiment; and I hope every one will give me credit for sincerity when I say that I am most anxious that that experiment should be successful. I am anxious that the House should enter on that experiment with every possible advantage, and there is no advantage more important than that the Chair of this House should be filled by a Speaker possessing extensive knowledge of the laws and usages of Parliament, and be qualified by those endowments which have so eminently distinguished you, and especially by that gentlemanly deportment to which the hon. Baronet has alluded.

Lord *John Russell:* I cannot let this opportunity pass without saying, that I fully agree with all that has been said as to the assistance that the House and the public have derived from the admirable performance of your duty. If there was any difference of opinion as to what candidate should be elected at the time when you were first appointed to the Chair, there never since has been any but one unanimous feeling that in re-electing you they have best secured the performance of the duties of Speaker and the preservation of the privileges of this House. You have been pleased to say that, in the discharge of your duties, you have received the assistance of this House; if so, then am I sure that that assistance has been willingly and universally rendered, on account of that gentlemanly deportment which made every man feel that, in transgressing against the orders of this House, he not only violated a public duty, but would have something to reproach himself with as a private man, in resisting those orders, when enforced on his attention in such a conciliatory manner. Other men may be found with the same knowledge of the laws and usages of Parliament, but it will be difficult enough in practice to find the same urbanity and kindness of demeanour which have so attached us all to you. You have declined a comparison with your predecessors. On that subject, therefore, I will say nothing. But I will say of those who succeed you, that if they wish to join authority to conciliation and a knowledge of the laws of Parliament, which I believe are the best that could be formed for the government of a deliberative assembly—if they wish to learn the art that shall make the execution of their duties pleasant and easy, I hope they will look upon you; and that those who were with you when you presided in this House will try to make up the loss we are about to sustain, by endeavouring as much as possible to imitate your conduct.

Sir *Charles Wetherell:* I must be allowed to express my concurrence with what has already been said on the subject of this Motion. That you deserve the expressions of approbation you have received is manifest from this, that the sentiments expressed on both sides of the House are similar in terms, and in spirit are the same. The hon. Baronet opposite has felicitously observed on that gentlemanly deportment which has distinguished you in presiding over the first assembly of freemen in Europe—and I may add, the first assembly of Gentlemen in Europe. In that you have but fulfilled what we might expect from you. As the Speaker of this House is the first Commoner, so ought he to be the first Gentleman in the country. You have exhibited the real perfection of a Magistrate; for your decisions, even when against any individual, have been given in such a manner, that that individual himself has been satisfied with that decision. I have felt the greatest gratification in hearing the expression of the sentiments of others; but that gratification has not been unmixed with sensations of pain at your retirement.

Motion carried unanimously.

The *Speaker:* It is with the utmost gratitude and respect, that I thank the House, for the vote which they have just agreed to; and I can assure the House, with the utmost sincerity, that long as I have been in public life, and frequently as it has been my duty to address myself to this House, I never, on any occasion, felt so incompetent to give utterance to my feelings as at present. After the honour which the House have been pleased to confer on me, it would be hypocrisy in me to disclaim all merit whatever. My merit has been, an anxious and steady desire to persevere in the discharge of my duty; and from the House have emanated the power, the force, and strength, that have enabled me to carry that wish into effect. I have now to acknowledge that most distinguished honour which a public man can receive—the public approbation of my services given by those who have had the best opportunity of knowing how those services have been performed. I do acknowledge that honour with the most heartfelt gratitude.

Lord *Althorp* then moved—"That the thanks of this House be given to Mr. Speaker for what he has now said to the House, and that the same be printed in the votes of this day, and entered on the Journals of this House."

Agreed to unanimously.

Lord *Althorp:* I now rise for a purpose in which I am sure every Gentleman who hears me will concur with me. We have expressed the sense we entertain of the manner in which you have performed your duty; but it becomes our duty to carry the expression of our opinion further—it becomes us to carry to our Sovereign our sense of the mode in which you have performed your duty, and humbly to crave him to enable us to show our approbation of your conduct, and to offer you some permanent expression of it. I move—"That an humble Address be presented to his Majesty, that he will be graciously pleased to confer some signal mark of his Royal Favour upon the right hon. Charles Manners Sutton for his eminent services in the six Parliaments, during which he has discharged the duties of Speaker of this House with a zeal and ability alike honourable to himself, and conducive to the progress of public business, to commence and take effect immediately upon his ceasing to hold the office of Speaker of this House; and to assure his Majesty, that this House will make good whatever expense his Majesty may think proper to be incurred on that account."

Motion unanimously agreed to.

CIVIL SERVICE OF THE STATE.] The House, on the Motion of Lord Althorp, went into Committee on the Civil List.

Lord *Althorp* said, before entering upon the subject of the charges for the Civil Government, I have to make an apology to the House for having so long postponed bringing this subject forward. But the state of public business has been such that I found it impossible to get an opportunity of doing so. I have also to apologize for having brought it forward at this late period of the Session, and I should not have done so had I not felt, that this House ought not to separate without settling this great and important question. Indeed, I may say that the House is bound to settle it, in consequence of the pledges given to his Majesty. I must claim the indulgence of the House, as, in consequence of the great number of topics which I shall have to advert to, I fear I shall have to trespass on its attention at some length. The circumstances which have led to the bringing this subject under the attention of Parliament are perfectly well known. From the present Civil List Act a large portion of those items which were formerly in the Civil List were excluded, with a view to bringing them under the cognizance of Parliament, and to relieve the Sovereign from appearing to receive from Parliament a larger amount than he really did. With those feelings this portion of the Civil List was referred to a Committee up-stairs, which made a Report to the House last year, and in conformity with the recommendations in that Report, I now rise to ask the House to make permanent provision for those charges for the civil Government, which were formerly in the Civil List. It is on the Report of the Committee that the plan which the Government now has to propose is founded; and the following are the items embraced in it. First, the salaries of the Judges of England and Ireland, including the salaries of the Lord Chancellors of both countries; secondly, the diplomatic expenditure; thirdly, the pensions and the Civil List; fourthly, the salary of the Lord Lieutenant of Ireland; fifthly, the allowance of salaries in England, Ireland, and Scotland; sixthly, the salary of the Speaker of the House of Commons; and seventhly, the Lord Chancellor's salary, as Speaker of the House of Lords. To take the first charge, I shall commence with the salary of the Lord Chancellor of England. It is proposed to fix the general salary of the Lord Chancellor at 14,000*l.*, of which about 4,000*l.* will be as Speaker of the other House. It was thought expedient with respect to the fees received by the Speaker of the House of Lords, and the salary of that officer, that the subject should not originate here, as it might be deemed an improper interference with the privileges of their Lordships. Nothing has hitherto been arranged in the House of Lords upon the subject; but I have no hesitation in saying, that it is intended to propose that the Speaker in the other House should receive 4,000*l.* a-year. The Lord Chancellor is also to receive 10,000*l.* a-year from the Suitors' Fund, and all the fees he now receives will be carried to the account of that fund; and the Lord Chancellor will be relieved of the charge of 5,000*l.* a-year given now to the Vice Chancellor, and in lieu of this being received from the Suitors' Fund, it will be paid out of the Consolidated Fund. The proposed retiring pension for the Lord Chancellor is 5,000*l.* a year, though my noble and learned friend has desired me to state, that in the event of his quitting office before this increase shall be sanctioned by Parliament, he will not consent to receiving it himself. It is now proposed, with respect to the Speaker of the House of Commons, that his salary should be charged in one sum on the Consolidated Fund, instead of on different funds, as heretofore. We also propose, that the whole of the salaries of the Judges should be charged on the Consolidated Fund. The House is aware that, on the 16th of November, 1828, it was understood that all Judges subsequently appointed should only receive 5,000*l.* a-year, the salary previously being 5,500*l.* a-year. Four Judges have been appointed on those terms, three additional Judges having been created in consequence of the abolition of the Welch Judges, all of whom understand that their salary is to be 5,000*l.* With respect to the Cursitor Baron of the Exchequer, it was recommended by the Committee that that office should be abolished, and during the life of the present holder no alteration will be made as to the fund on which the salary is charged. The next point is the Judge of the Admiralty Court in Ireland. At the Union it was settled that that office should be preserved; the salary, however, which was then 500*l.* a year, has since been raised to 1,000*l.*; which, looking at the business to be done by that Court, appears to me to be much too high a rate of payment. Since, therefore, we are bound to preserve the office, I think that we are fully justified in reducing it to its former standard of 500*l.* The Lord Lieutenant's salary, as the House is aware, was 30,000*l.* a year Irish, or 27,692*l.* English. When, however, the Duke of Northumberland accepted the office, he proposed, in consequence of the depressed state of the country, to strike off the odd 7,692*l.*, and reduce the income to 20,000*l.*, which was accordingly done, and the continuation of which arrangement I intend to propose. I now come to that point on which I know I have the misfortune to differ from several hon. Gentlemen who sit on this side of the House. I mean the question of pensions. I have heard that question argued in this House, and have read arguments on the subject in print directly adverse to my views; but I am bound to say, that I still remain of opinion, that if we take advantage of the technical fact that these pensions are granted during pleasure, we shall, as the Representatives of a great country, be taking an advantage most unworthy of us, because I believe that nothing can be more detrimental to the honour of England, than to act contrary to a pledge and promise in consequence of having a mere technical excuse. This appears to me so clearly to be a debt of honour, that whatever I may think of some of the appointments, I feel bound, as a gentleman, not to consent to the taking away of these pensions so long as I shall be a Minister of the Crown; therefore, however much I may regret such a charge in our present state of financial difficulty, I shall act up to the doctrine I have now laid down, however unpopular it may be. When the Civil List was referred to the Committee, the charge for pensions on it was, for England, 73,695*l.*, for Scotland, 30,467*l.*, and for Ireland, 51,155*l.* But there is another class of pensions, some of which have a still stronger claim on the country. These are the pensions which have been granted on the four-and-a-half per cent. duties, which duties belonged exclusively to the Crown, until they were given up to the public by his present Majesty on his accession to the throne. Some of these are pensions for life, and some during pleasure; and according to strict interpretation, the pensions for life were so charged, that it was not in the King's power to give them up; and, therefore, when these duties were transferred to the public, they were still made subject to these pensions. The pensions during pleasure, were of course, on the same footing as the similar pensions charged on the Civil List. Up to the 9th of George 4th.; the Monarch had an unbounded power over these four-and-a half per cents.; but, by an arrangement then made, it was settled that no more pensions should be charged on that fund until it was sufficient to cover the expenses of the Bishops and Clergy of the West Indies. Up to the present time it has not been sufficient for that; but the amount has been made up from other droits of the Crown, which, though at one time profitable, I am bound to state will produce but little. Under these circumstances, I do not see how I can hold these pensions to be different from those charged on the Civil List. The amount of these pensions is 22,295*l.*; and of this sum, 11,468*l.* are for life-pensions, one of which is a grant in perpetuity made by Charles 2nd to Lord Carew and his descendants for ever. According to an arrangement made, the Scotch pensions were to be reduced to 27,620*l.*, until which time the King was only to have power to grant to the amount of 800*l.* a-year; and the Irish pensions to 39,900*l.*, until which time the King was only to have power to grant to the amount of 1,200*l.* a-year. The whole amount of the pensions on the Civil List was 155,000*l.*; in the present Civil List, the whole sum to be allowed is 75,000*l.*, which certainly must be admitted on all hands to be a great sacrifice on the part of the Crown. Adding the pensions on the Civil List to those on the four-and-a-half per cent duties together, the total amount was 177,612*l.* and, therefore, by reducing the sum to 75,000*l.*, we shall be effecting a saving of 102,612*l.* Of this, however, I have no right to claim the whole credit, for the right hon. Gentleman who preceded me agreed to reduce the amount to 145,750*l.*; so that from this it appears, that the amount of my reduction is 70,750*l.* The mode in which we decided which of the pensions should be borne by the Civil List, and which by the public, was by placing the whole of the names of the pensioners alphabetically, and by taking from the top as many as amounted to 75,000*l.* for the Civil List, leaving the remainder for the Consolidated Fund. According to this arrangement, from the letter A, to about the middle of the H were found to be chargeable on the Civil List. The amount of the pensions excluded from the Civil List was 80,952*l.*; but since that time there has fallen to the public the sum of 6,649*l.* a-year, partly by resignations and partly by deaths, a fact which is already sufficient to show that the arguments of those who contended that there would be no economy in this plan, were not founded in truth. According to this statement, the Committee will perceive that there now remains chargeable on the Consolidated Fund the sum of 74, 303*l.*, to which we have to add the sum of 10,826*l.* chargeable on the four-and-a-half per cent. duties, making altogether 85,129*l.* The next point to which I have to call the attention of the Committee is the Diplomatic Expenditure. Heretofore, the salaries of our diplomatic agents were subject to deductions for the land-tax and the eighteen-penny tax. These deductions were repaid to those who were in active service out of the civil contingencies; but the deductions from the pensions were not so paid. This mode of repayment seems to me to be exceedingly operose and useless, and I shall therefore propose to pay the salaries in full, without reduction, and the nett pensions after the usual deductions, by which means I think that we shall be avoiding much complication of account. The charge in the Civil List under this head has hitherto been 144,950*l.* for active service, and 52,000*l.* for pensions, subject to the deductions I have already explained, which together amount to 196,950*l.*; but in addition to the 144,950*l.* for active service, there have been the salaries for our agents at Chili, Peru, Buenos Ayres, and other places provided for in another way, making the whole charge for the active diplomatic service 167,450*l.* On this sum we have been able to effect a saving of 27,450*l.*, by which the amount is reduced to 140,000*l.* The amount of the pensions on the Diplomatic Service was recommended by the Finance Committee to be reduced to 40,000*l.*, with an arrangement, that till that reduction is effected not more than 2,000*l.* a-year is to be granted in addition to the present amount. I am, however, here bound to state, that I am afraid that this arrangement cannot be strictly adhered to, as the Government has already found itself placed in difficulty by it. I need not tell the House that nothing is so important as that our diplomatic agents should be persons towards whom the Government shall be able to feel the most complete confidence. This being the case, I have to state, that at the present moment there are persons returned from abroad, their duties being concluded, and who, on every account, have a fair and a just claim on the consideration of the country. Under these circumstances, it will be necessary for me to propose that the pensions to be granted to these persons be added to the 40,000*l.* already mentioned by me; after which we shall endeavour, as far as possible, to adhere to the recommendation of the Finance Committee. The present amount of the Pension List, without reductions, is 56,810*l.*; but I ought to state, that some of the pensioners are very old lives, and that, consequently, there is every prospect of a very rapid saving accruing to the public. The next point I have to submit to the Committee, is the ancient salaries and allowances formerly paid from the Civil List of England. The mode in which this Bill is to be drawn up is to provide for these during the existence of the present interests, leaving the remainder of the question entirely open, without prejudicing it in any way. When the whole of these arrangements shall come into operation, there will altogether be a saving to the public of 252,000*l.* The amount proposed to be saved by the right hon. Gentleman who preceded me was 162,000*l.*, although, in fact, the real saving, according to the right hon. Gentleman's plan, would only have been 123,000*l.* I now beg to move, that it is the opinion of this Committee, that there be issued to the Speaker of the House of Commons, out of the Consolidated Fund, the sum of 6,000*l.* a-year, in lieu of the fees and other allowances by which that sum has hitherto been made up.

Mr. *Goulburn* said, that, in accordance with the recommendation of the Finance Committee, it was proper that the salary of the Speaker should be paid entirely out of the Consolidated Fund, instead of being partly defrayed out of the Consolidated Fund, and partly from fees. He, therefore, approved of that proposition. He was also favourable to the arrangement with respect to the Judges. Those created previous to 1828 were to receive 5,500*l.* a-year, and those raised to the Bench since that period were to have 5,000*l.* a-year. The noble Lord had not, however, stated what was intended to be done with reference to the Scotch Judges. Their case had been brought before different Governments, and it was allowed on all hands to be one of great hardship. He did think, that when the noble Lord brought forward a proposition for a certain reduction of the salary of the English Judges, he might with great propriety have noticed the situation of the Scotch Judges, who were insufficiently paid, and whose duties had been lately increased. The next point was an arrangement of the Lord Chancellor's salary; and he understood from the noble Lord, that no part of that salary was to be charged on the Consolidated Fund, but that the retiring salary was to be defrayed out of that fund. Now, he could see no reason why, in that respect, the Lord Chancellor of England should be placed in a different situation from the Lord Chancellor of Ireland, or the other Judges of the realm. To suffer that salary to be paid out of the Suitors' Fund was contrary to the recommendation of the Finance Committee. He understood also, that the Chancellor's retiring pension was hereafter to be 5,000*l.* instead of 4,000*l.* a year. He certainly was anxious that officers holding high judicial situations should receive an ample retiring allowance; but he did not like the principle of increasing that allowance on the ground of the insufficiency of the salary which they received while in office. By taking that course, a temptation was afforded for quitting office on the retiring allowance, sooner than an individual would perhaps otherwise do. That would be attended with considerable inconvenience, inducing changes, and it was of importance that there should be as few changes in the office of Lord Chancellor as possible. The Chancellor must of course retire upon a change of Administration; but, except in that instance, he thought it was for the public benefit that the Chancellor should not be often changed, but that an opportunity should be given him to make himself perfect master of all the duties connected with his office. He should prefer giving an additional salary to the Chancellor rather than patronage, or a small additional increase of the retiring pension, because out of a handsome additional increase of salary a Chancellor could better make some sort of provision for those who came after him. In his opinion, a retiring pension of 4,000*l.* a-year was an adequate remuneration, and had never been complained of as too little by those who had held the Great Seal. As to the proposition respecting the salary of the Lord Lieutenant of Ireland, it met with his entire concurrence. No man who knew the nature of the situation could doubt that the salary was not too much. He found that the diplomatic expenditure was to be reduced to 140,000*l.* a-year, and the pensions connected with that branch to 50,000*l.* a-year. Now he could not see how it was possible to keep those pensions within the limit of 46,000*l.* or 50,000*l.* a-year. The amount must be determined by circumstances. He entirely agreed with the noble Lord that it was not economy, but a want of economy, not to reward high diplomatic characters liberally. Therefore he would not confine the expenditure for pensions to 50,000*l.*, or to any other specific sum. He was of opinion, however, that individuals might be found in the receipt of pensions who were perfectly competent to undertake diplomatic missions. If they were employed, the pension list would be relieved to that extent. Whatever might be the popular feeling against pensions, he thought that the noble Lord in continuing them, had acted not only wisely, but justly. With respect to the general principles which the noble Lord had laid down, he approved of them, and no man would be found a warmer supporter of those principles than himself.

Mr. *Cutlar Fergusson* could not admit that the retiring pension of the Lord Chancellor was too high, and approved of making the retiring pensions for the Judges different from the retiring pension of the Lord Chancellor. The Judges, when appointed, were not removed, whereas the Lord Chancellor was liable to be removed at every change of Administration. He would take that opportunity of reminding the noble Lord that the salary of the Scotch Judges ought to be raised. It was understood that this would be done when the salaries of the English Judges were raised in 1825. They were entitled, at least, to one half as much as the English Judges. When the salary of the English Judges was 4,000*l.* a-year that of the Scotch was 2,000*l.* Now that the salary of an English Judge was 5,500*l.*, that of a Scotch Judge should be, at least, half as much. It should be recollected, that their business had much increased, for the number of Judges was reduced from fifteen to thirteen. The Scotch Judges did not intrude their case upon the House, and, for that reason, they had a still stronger claim. He knew many of them, and they were as eminent in their profession as any men in Europe. They were selected by the right hon. Baronet (Sir Robert Peel) in a manner highly honourable to him, not from political considerations, but in consequence of their fitness for the office. The present Government pursued the same course. He hoped, late as it was, that even the present Session would not pass away without seeing justice done to those learned and eminent men.

Sir *Edward Sugden* fully concurred with the hon. Gentleman who spoke last. The Scotch Judges ought to be placed, in point of salary, in a situation that would enable them to support their rank and make provision for their families, taking care, at the same time, never to raise the salary beyond what it ought fairly to be, considering the nature and importance of the duty. The great object was, to make the salary of Judges such as would induce them not to look beyond their present station. They should be selected, not from political considerations, but in consequence of their judicial talent and experience. During the Duke of Wellington's Administration, though, of course, he had nothing to do with the appointments, he had opportunities of knowing that no inquiry was ever made into the political connections of Judges, and that those persons were selected to fill the office who it was supposed were most likely to adorn it. The same rule should be observed with respect to the Lord Chancellor; but, as matters now stood, it was impossible, because his office was a political, as well as judicial, one. He was not favourable to a large retiring allowance, and if the patronage of the Chancellor was not to be taken away, he should not be disposed to increase the allowance. Under the circumstances, however, it appeared to him that 5,000*l.* a-year was a proper remuneration. As to the salary of 14,000*l.* a-year, it was, certainly, a large sum, perhaps a little too much, but not a great deal too much, considering the heavy and important duties of the office. Before they came to any decision as to the salary, it would be desirable to know what had been the average income of the office for fourteen or fifteen years back, and what the present emoluments of it. They would then be better able to judge of what amount the salary ought to be. As to the fund whence the salary was to be drawn, there would be time enough for considering that when the Bill was brought in. He should object to its being drawn out of the Suitors' Fund, while there was a possibility that a call might be made upon it for distribution among the suitors. It should be first made apparent that there was no person living who had claims on the fund before it was disposed of in salaries. Any part of it to which there were no claimants, he could have no objection to see disposed of in the payment of the Lord Chancellor's salary, or the salaries of other Judges. Nothing could be more injurious to the administration of justice than to give the least ground for supposing that any, the smallest portion, of the Lord Chancellor's salary was drawn from a fund to which individuals had any claim. There was one purpose to which he thought a portion of the fund might very properly be applied. There were in Chancery many small sums belonging to persons who were entitled to receive them, but were prevented from making the application in consequence of the expense they must incur, more perhaps than equivalent to the amount. Though small these sums, they might be of great importance to those who were entitled to them, and it would be very desirable if by some means they might be enabled to draw them out without this expense. He begged to say that, in any observations which fell from him upon this occasion, he did not allude to the present or to any other Chancellor. He spoke in reference only to the office.

Mr. *Sinclair* thought, as 4,000*l.* a-year was considered sufficient for the retiring pension of the Lord Chancellor when the currency was depreciated, that sum might well now be sufficient. He did not, however, rise so much to object to the Lord Chancellor's salary as to say that he cordially joined in the opinion of his hon. and learned friend, regarding the Scotch Judges, and he begged leave to recommend their case to the consideration of the House.

Mr. *Spence* said, that as this was the last opportunity he might ever have of addressing a House of Commons, he wished to say a few words as to the delay which had taken place in introducing the measures for remedying the abuses of the Court of Chancery. The Lord Chancellor had called in several gentlemen to his aid, who had discussed in his presence the proposals for remedying the evils of the Court of Chancery.

Sir *Edward Sugden :* Name, name.

Mr. *Spence* continued He was himself one of the persons called upon by the Lord Chancellor, and he might also mention Mr. Duckworth, than whom there was no person, he believed, more competent to give advice. The result of the deliberations of those Gentlemen who had been called upon to assist the Lord Chancellor was, that it had been determined to introduce a much more extensive plan of Chancery Reform than that which had been proposed by his hon. and learned friend (Sir Edward Sugden). He (Mr. Spence) had previously proposed a measure for remedying some part of the abuses of the Court of Chancery, but he found some difficulty in bringing it forward; and it had, therefore, been suggested that he should bring forward in that House the general measure sanctioned by the Lord Chancellor. That general measure, he was enabled to state, had been prepared, and would very shortly be laid on the Table of one or other of the Houses of Parliament. It would have been introduced before now in the House of Lords, but that it had been prevented by the discussions on the Reform Bill. It had been stated in the newspapers, that he (Mr. Spence) was the person to whom it was owing that the Bill had not been brought forward. He, certainly, was the cause of its not having been brought in from the 10th to the 26th of July. The Lord Chancellor had desired him (Mr. Spence) to add a clause, creating an appellate jurisdiction, and he had not been able to prepare that clause. His hon. and learned friend seemed to think it strange that he should not have been able to prepare that clause in so long an interval. The fact, however, was, that it was thought necessary the Lord Chief Baron should sit as one of the Judges in the Court of Appeal; and to carry that arrangement into effect, it became necessary to re-model the whole of the offices connected with the Court of Exchequer—a circumstance which he thought satisfactorily accounted for the difficulty to which he had adverted. From the moment he had had the honour of a seat in that House, he had directed his attention to the evils connected with the Court of Chancery; and he need hardly assure the Committee, that he was not disposed to delay a moment longer than was necessary, the introduction of a Bill to alter and regulate all the offices connected with the Court of Chancery. Though, most probably, he should not have any personal share in carrying through the Bill in the next Parliament, yet he was satisfied that the Lord Chancellor's Bill was such a one as a Reformed Parliament might justly and safely carry into effect; and he confidently hoped that his opinion, as to its merits, would be confirmed by that of the House.

Lord *Althorp* thought the Committee had got into a subject very wide of the Resolution. The question of the Scotch Judges had nothing to do with it, and before their salaries could be augmented, an inquiry must be made. [*Some hon. Member said, one had already been made.*] Certainly, he believed it had, and he was led to believe, that in Scotland the general feeling was, that the Judges were not underpaid. In deciding upon the salary of the Lord Chancellor he had followed the recommendation of the Salaries' Committee. He also thought the retiring salary of 5,000*l.* per annum was not too much, under all circumstances. It might be as well to mention that the Bill to be brought in in pursuance of the Resolutions of the Committee, was a bill for regulating the salary of the Chancellor, and not for Reform in the Court of Chancery: that was a subject which required a larger and more comprehensive measure.

Mr. *Harvey* regretted that the Bill would not extend to a Reform of some of the many abuses existing in the Court of Chancery, as well as to settling the Chancellor's salary. There would not have been much difficulty in making it extend to some of those abuses. It seemed as though disappointment and the Court of Chancery were synonymous terms. They had heard from the hon. and learned Gentleman opposite (Mr. Spence) that he would not condescend again to return to the House, and that he thought it too late in the Session to introduce any of those measures which the Lord Chancellor had commissioned him to draw up for the Reform of the Court. Thus it was with that Court. At one time it was too late, at another too early in a Session, to introduce measures for its Reform. He supposed, after all, it was to be left to some tyro of Reform to pick up the fragments of the hon. and learned Gentleman's more magnificent conceptions, and throw them into the shape of a Bill, with as many clauses and as interminable as a Bill in Chancery. He had sat five Parliaments in that House, and upon no subject had he heard so much from the Whigs as the necessity of a Reform in this Court; nor was there one upon which the noble and learned Lord, now at the head of that Court was so strongly pledged as this. His predecessor had been characterised as a man of whose mind tardiness was the emblem. But the present noble and learned Lord had been two years in his place, without there being the slightest prospect of any of those amendments which he had so frequently declared were not only indispensable, but were also easy of execution. He (Mr. Harvey) was convinced that it required little more than honesty of purpose, and a competent understanding of the business, to effect all the necessary changes. He did not impute the contrary of these qualities to the Lord Chancellor; but if they were to have any Reform of that Court, they must not listen to the declarations of the hon. and learned Members of that House, who could be brought to see nothing but difficulties and delicacies in the way. He had daily experience on the subject; and he must say, that at no time was the Court of Chancery in a worse state than at the present moment. From the commencement of a suit—he could not say, its end, because an end was seldom attained—but from the commencement, through its progress, there was not such a libel on justice as the manner in which a Chancery suit was conducted. They were told of the difficulties in the way of amendment—it was said, how could it be cured? A firm mind and a honest intention was, in his opinion, all that was wanting to effect that great object. Let half-a-dozen men who had retired from practice be appointed as Commissioners, with something like 1,200*l.* a-year salary, and in about twelve months they would convert the Court of Chancery into what it professed to be, but what it was not, namely, a Court of Equity. His noble friend had defended the amount of salary given to the Lord Chancellor by comparing it with the Chief Justice's salary of 10,000*l.* If they instituted a comparison between the two salaries only, he did not think the amount given to the Lord Chancellor too much, but he did not think the Chief Justice ought to have so much as 10,000*l.* a-year. He was one of those who thought that no man, in any situation whatever, ought to have so large a salary as 10,000*l.* a-year. It was also to be remembered that the noble Lord, who now occupied the office of Lord Chancellor, had always contended, and with irresistable force of argument, in favour of the separation of the offices of Lord Chancellor and Speaker of the House of Lords. If he was sincere, which he could not doubt, then before long the judicial office of Chancellor would be separated from the political one; and as it would then, he presumed, become permanent, it ought not to be better paid than the office of Lord Chief Justice. His regret was, that the people's hopes should be again disappointed for another Session.

Resolution agreed to.

A Resolution was proposed to grant the sum of 20,000*l.* per annum for the salary of the Lord Lieutenant of Ireland,

Mr. *Sinclair* objected. He thought the office ought to be altogether abolished. It tended only to foment dissensions, and keep up the political spirit of party. It would be much better that its duties should be delegated to the Secretary of State for the Home Department. He begged leave to move that it is expedient to abolish the office of Lord Lieutenant of Ireland.

The *Chairman* informed the hon. Member, that he could not make such a motion in that Committee.

Lord *Althorp* agreed with his hon. friend, that a time might arrive when it would be advisable to abolish that office, and put the government of Ireland on the same footing as that of Scotland. But under present circumstances, and considering the existing state of Ireland, he thought such a step could not be taken with prudence. The possibility of the Lord Lieutenant of Ireland being influenced by local politics was the main reason why he agreed with his hon. friend.

Mr. *Leader* said, that he believed that his Majesty's present Administration found it hard enough to govern Ireland with a Lord Lieutenant, and he saw little prospect of their governing at all without one. A miserable economy was the only principle which appeared to characterise every proposal regarding Ireland. Did the House wish to know the cause of the afflicted state of Ireland? If it did, he could tell it that the war of poverty against property, arising from want of employment, was at the bottom of all the disturbances. There was one ruling sentiment, the cause of which was long continued bad government. What did the country require? That the landed proprietors should return, and discharge the duty of proprietors. What was likely to induce some proprietors to return and others to remain? Undoubtedly the residence of a Lord Lieutenant contributed to that end. Was not absenteeism the curse of the country? When Gentlemen spoke of governing Ireland like Scotland, they forgot the difference of the population, and the calamities which were induced by a train of evils which proceeded from bad government and dissension, perpetuated for the worst and basest of purposes. It was idle to speak of savings—the thing to speak of was the making the government popular with the people. If hon. Gentlemen chose to make proposals for removing the Lord Lieutenant, they might prepare speeches for opposing the Repeal of the Union, for undoubtedly there would be nothing better to make every Irishman a repealer than the removal of the Lord Lieutenant.

Mr. *Courtenay* meant to confine his observations to the question before the Committee. He had expected that the noble Lord would have taken this opportunity of explaining the principles on which he had divided the expenses of the Civil Government, some being charged on the Consolidated Fund, whilst others depended upon the annual votes of Parliament. From what he had been able to see, he could not find out upon what principle the noble Lord had proceeded. What reason was there, for instance, for the salary of the Lord Lieutenant of Ireland being chargeable upon the Consolidated Fund, whilst that of the Secretary of State for the Home Department was to be annually voted by the House? There were many other points connected with this Bill to which he should have wished to advert; but, like his right hon. friend near him, he was not aware of the Committee coming on, and was not prepared.

The resolution agreed to; as were the following:—1. "To enable his Majesty to charge the Consolidated Fund with a sum not exceeding 235,510*l.* to defray the salaries of his diplomatic servants at present employed at foreign courts, and of such as may be hereafter employed there.—2. To enable his Majesty to charge the Consolidated Fund with the sum of 85,222*l.* to pay those Pensions which, previous to his Majesty's accession, were chargeable on the Civil Lists of England and Ireland, on the hereditary revenues of Scotland, and on the four-and-a-half per cent duties, and for which no provision has been made in the Civil List granted to his Majesty.—3. To enable his Majesty to charge the Consolidated Fund with the sum of 20,309*l.* to pay those salaries and allowances which, previous to his accession, had been chargeable on the Civil List of England and Ireland, and the hereditary revenues of Scotland.—4. To enable his Majesty to grant to any person filling the office of Lord High Chancellor of England, a contingent annuity of 5,000*l.* a-year, to take effect on his resignation of, or removal from such office—5. A resolution to enable his Majesty to pay out of the Consolidated Fund the several salaries of the Judges of the Courts of Law in Westminster Hall, and of the Courts of Law in Dublin."

The House resumed.

BRIBERY AT ELECTIONS.] Lord *John Russell* moved the Order of the Day for going into Committee on this Bill. Before the House went into Committee, he wished to say a few words. He expected the Reform Bill would do much to abolish the practice of bribery, by doing away with the wholesale bribery of rotten boroughs. The absence of constant and scrutinizing inquiries into cases of bribery well known to have occurred was admitted on all sides to be the chief incitement to the continuance of the system. He had, therefore, particularly directed his attention to that point, and by affording every opportunity for investigation, and imposing a species of punishment on the party whom a Committee should declare guilty of having obtained his return by improper means, he hoped in a short time to find bribery at an election a rare occurrence. It was inconsistent to punish with severity the poor man, who took a bribe of 10*l.* or 20*l.*, and to let the rich man, who bought or sold an entire borough, escape without any penalty. But he expected more from the strict investigation of these cases, than from the penalties. He proposed, by this Bill, to extend the time for presenting Petitions against a return on this account, from fourteen days to two years. He also wished to establish a better mode of carrying on the investigation. It would be lawful for any person to make a complaint; and, if bribery and corruption were proved to exist, the Committee should be empowered to grant the complainants their costs. It might be said, that this would increase the number of complaints; but he thought no man would incur the risk of 3,000*l.* or 4,000*l.* costs, without some foundation. He must repeat, that he looked to the moral feeling which the Reform Bill was calculated to excite, as the best preventive of bribery, and as most likely to elevate the character of the constituency, and shed additional lustre upon that House. The noble Lord concluded by moving, that the Speaker leave the Chair.

Mr. *Rigby Wason* intimated his intention of moving a clause in Committee, to apply the fresh powers to be conferred by the Bill to the bribery which had occurred at Liverpool, and to which he had repeatedly called the attention of the House; but which calls were treated with so much indifference, as would almost daunt any Member from taking up such a subject. He thought that the provision in Lord Wynford's bill, by which the party found guilty of bribery and corruption was condemned to pay the expenses, was better than the provision in the Bill now before the House. He should move the insertion of a clause of that kind in this Bill.

Sir *Richard Vyvyan* objected to the proposed measure. As to the idea of rendering Members liable for two years to an investigation as to their return, particularly when a premium was held out to the individual who should succeed in turning him out, that would be both absurd and cruel. The power of selling seats, it was said, was abolished, and yet Ministers found it necessary to propose a bill for the punishment of that which they declared at an end. He thought the alterations which the noble Lord contemplated very unlikely to add to the independence of Members.

Lord *Althorp* said, that, in his opinion, the extension of the time of petitioning would have a tendency to check the existence of corruption; because a candidate would be afraid to bribe, if he knew that for two years afterwards his seat was liable to be contested on that account.

Mr. *Wilks* said, that he should propose a clause by which every Member, on taking his seat, should swear that he had not, either directly or indirectly, been guilty of bribery or corruption.

Sir *Charles Wetherell* thought this late period of the Session was a very unfit time to bring forward propositions for new Bribery Laws. He objected to the monstrous extension of time during which a petition might be presented. The effect of this Bill would be, that if a Member voted as his constituents thought fit for one year, but towards the end of the second year offended them, he might be harassed with a petition against his return. The independence of every Member would thus be sacrificed, and he would be reduced to an absolute state of vassalage. The words of the Bill were so vague, that they would embrace every possible or fanciful act of bribery. No man could ever know whether he was offending the laws or not. In the Usury Laws, a man was relieved from their operation after the lapse of one year, and so it was with respect to many most important Fiscal Laws. Why should not this Bribery Law have the same limitation of time? The Bill might be made an instrument of vindictive oppression, and he should, therefore, refuse his consent to the adoption of it.

Lord *John Russell* was not prejudiced in favour of the exact period of two years. What he wanted was, that after the actual payment of the money, given as a bribe, sufficient time should be afforded to persons to make their complaints of bribery. With respect to the proposition to make Members take oaths that they had not had recourse to bribery, he was not favourable to it. He thought they derived little advantage from oaths, whether taken by the elector or the Member. The qualification oath, for instance, afforded but little security in the matter to which it applied.

Mr. *Goulburn* said, that, in his opinion, the extension of time might be made use of for the worst political purposes, and he much doubted whether the Bill would not have a greater effect in encouraging conspiracies than in discouraging bribery.

Sir *Henry Hardinge* considered that the Bill was objectionable, as holding out a lure to suborners of evidence. He should prefer coming to the Table and taking an oath that he had not been guilty of bribery, to being subjected to the evils which this Bill would hang over the head of every Member. The matter was worse on this account, for the accusing party need not be a voter—he might be an enemy of the sitting Member. Again, if the sitting Member successfully defended his seat, he was not to have the costs of his defence unless the complaint was pronounced frivolous and vexatious, while the petitioner, if he unseated the Member, was to have his costs. This was not putting them on equal terms. He should oppose the Bill.

Colonel *Sibthorp* complained that the Bill was so loose and indefinite, that acts of hospitality and charity might be interpreted into acts of bribery.

Mr. *Harvey* observed, that the present Bill imposed an oath on the electors, and why should not the Representative be subjected to the same restraint? Why should not the Member of Parliament, before he took his seat, be called upon to swear, that he has not been, and that he will not, either directly or indirectly, by himself or his agents, be guilty of bribery? As the House well knew, there must be two parties to the crime of bribery, and surely the restraint and the purification from the crime should not be confined to one of the parties. In fact, the necessity of taking such an oath at the Table of that House must be a great relief to the Members themselves. For example, when a candidate went down to a borough for which he had been returned before, and to the electors of which he had been accustomed to make many donations, and when, in consequence of that practice, he came to be assailed by them with the usual importunities, how great would the relief be to him to be able to say, that, however willing to renew his former liberality, the oath which he should have to take at the Table of the House completely precluded a continuance of that ancient practice? He should conclude by moving, That it be an instruction to the Committee to insert the following Clause:—" And be it further enacted, that from and after the passing of this Act, every Member who shall be returned to serve in Parliament, shall, on coming to the Table of this House, take an oath according to the following form:—I, *A. B.*, do solemnly swear, that I have neither given, nor promised to give, nor intend to give, or promise hereafter, by myself, agents, or friends, any money, security, order, or other thing of value, or any pecuniary fee or reward of any kind, in consideration of any vote or votes, or by which my return to this House shall have been promoted or secured."

The *Speaker* suggested, that the proposition of the hon. Member need not be in the form of an instruction, it might be moved in the Committee.

Mr. *Harvey* observed, that if the House were prepared to adopt the oath, it would supersede several of the clauses in the Bill.

The *Speaker* replied, that the uses of the Committee would be at an end, if such matters as came within their jurisdiction were always to be moved as instructions.

Mr. *William Brougham* objected to the Bill before the House upon different substantial and weighty grounds—the first of which was, that its provisions were so framed that a Member would be liable to a prosecution for bribery in that House for the whole space of two entire years, when the facts, perhaps, were forgotten by the Member, though treasured up by the accuser. The accusation by this Bill need not be made upon any one defined and specific act of alleged bribery. Why should they attempt what they had found already so difficult, or why should they not content themselves with providing against, and suppressing, acts of direct and gross bribery? The worst feature in the Bill was, that it was possible for an hon. Member to give a ruined or unfortunate man 5*s.* as an act of charity, and because this man had voted some time within two years for him, as a candidate at the election for the borough or county, he would, to all intents and purposes, under this Bill, be deprived of his seat, on proof of this fact. Again, it was part of the provisions of this Bill, that the complaint and investigation might be instituted on the motion of any agent during two years. For his part he would rather be compelled by the Act to take the oath at the Table himself, or vote at once for Annual Parliaments, than have a prosecution thus hanging over his head in suspense for two long years. But as the Bill required a Member not only to vouch for himself, but also to vouch that no agent of his, or for him, had given any valuable thing, pecuniary or otherwise, he would ask what conscientious man would dare so to vouch? He would go so far as any other man to check the practice of bribery at elections, but he had always seen that an attempt to secure this restraint over men's actions and consciences by Act of Parliament was a matter surrounded by very considerable, if not insurmountable difficulties. As to the infliction of the payment of the costs on this party or the other, the accuser or accused, he should recommend that the Bill should not be permitted to outstep the rule of the common law as to costs: the party succeeding would, in that case, be free from the costs, which would fall on his opponent.

Mr. *Hudson Gurney* feared this Bill would not have the effect proposed. If the situation of a Member of Parliament were to continue to be regarded, as it ever had been, as one of high station, he believed that under any Bill the common feelings of the great mass of mankind would be brought into play. Having had much experience at elections, he was disposed to think it would be difficult to prevent bribery. He did not approve of calling upon Members to take oaths. He had witnessed on one occasion a most painful scene. Four hundred voters came up to poll, and he believed that at least one-half of that number were perjured.

Mr. *Cresset Pelham* said, he never had heard or expected to have heard so much said as he had heard that night in favour of bribery.

Mr. *Warburton* would have been extremely glad to support the Bill, if it would effect the object proposed; but he feared that could never be done, except by the introduction of the ballot at elections. The Bill was particularly defective in this, that it only went to purify elections from bribery, but it had no provision directed against obtaining votes through intimidation or persecution of those who were in any way dependent on the will or power of the Member. Now, in his mind, the latter was the more crying enormity, and the worst description of tyrannical influence. He apprehended that it was impossible to render the check to bribery efficient by this Bill.

Mr. *Ruthven* was also of opinion the Bill would be both unpalatable to Members, and inconvenient in its operation.

The House in Committee on the Bill.

The first and second clauses agreed to.

On the third clause being read,

Colonel *Sibthorp* objected to going further with the discussion in the present state of the House. He moved that the Chairman should report progress, and ask leave to sit again.

Lord *John Russell* said, that if the hon. and gallant Member was opposed to passing a bill against bribery, and determined to use the means which the forms of the House allowed him, to impede its progress, the measure certainly could not pass in the present Session. If the hon. and gallant Member was not opposed to the principle of the Bill, it was better to proceed with a consideration of the clauses in Committee.

Sir *Henry Hardinge* thought that the noble Lord (Lord John Russell) had stated the question very unfairly. He wished to throw the rejection of the Bill on his (Sir Henry Hardinge's) side of the House, well knowing in his own mind that a measure so important could not be fairly or fully discussed at so advanced a period of the Session. He was as anxious as any man in the world to prevent bribery and corruption, but, he was convinced, the present Bill would not have the effect. Every lawyer who had spoken on the subject, had declared himself against the Bill, which was formed in too loose and careless a manner, to make it possible it could effect its proposed object. Even the Attorney-General had not ventured to defend the Bill.

Mr. *Robert Palmer* was anxious to see a measure introduced which would effectually prevent bribery and corruption; but unless this Bill was fully discussed, he should very much doubt whether it would effect that object.

Lord *John Russell* contended there was nothing in the Bill which would prevent it from being fully discussed and passed during the present Session.

Lord *Althorp* said, it was quite obvious that if the hon. member for Lincoln (Colonel Sibthorp) persisted in his Motion, the Bill could not be proceeded with.

Sir *Richard Vyvyan* thought it inexpedient to press so important a Bill at a period when so many Members of both Houses had left town.

Colonel *Sibthorp* was as anxious as any man in the House to prevent bribery, and to preserve the purity of election; but he thought this measure could have no such effect. However, if his Majesty's Ministers were desirous to cut their own throats, he would not prevent them; and, with the permission of the Committee, he would withdraw his Motion.

Mr. *Wason* moved, that the clauses from three to ten should be postponed, in order to come at once to the material parts of the Bill.

Lord *John Russell* said, his great objects were the extension of the time for petitioning against the candidate accused, and the affording facilities for the appointment of a Committee to inquire into the facts respecting the alleged bribery in the place of election. He believed, however, that he might attain his objects by means of Resolutions; and if there were a decided opposition he should of course feel himself compelled to give up the measure. He should prefer nevertheless, if possible, to effect his purpose by means of a bill.

A desultory conversation ensued as to the propriety of proceeding with the Bill now; at length

Lord *John Russell* said, that from the opposition made to the various clauses of the Bill, he saw that it would be impossible to carry it through this Session, and he should, therefore, move that the Chairman report progress, and ask leave to sit again. He thought he could effect one of the main objects of the Bill—namely, the extension of the time for petitioning against a return, by a Resolution of the House. With regard to the other important parts of the Bill, he would consider the point, and take an early opportunity of stating whether he should press the remainder of the Bill or not.

House resumed.

FEES IN CHANCERY.] Mr. *Cresset Pelham*, in conformity to the notice he had given, rose to bring forward his proposition for the appropriation to public purposes of the Fees and Emoluments hitherto enjoyed by the Clerk of the Patents, and Registrar of Affidavits in the Court of Chancery. The hon. Member moved:—"That an humble Address be presented to his Majesty, praying that he will be pleased to order a Return to be laid before that House of all the Emoluments, Fees, and other Monies, now paid to the Clerk of the Patents, and to the Registrar of Affidavits in the Court of Chancery, in order that the same may hereafter be appropriated to the public service."

Lord *Althorp* said, that the Government had it in contemplation to effect some great alteration with respect to the offices to which the hon. Member referred. It must be obvious to all, that it would be a most ungracious, and, indeed, a most unnecessary interference with those offices, or rather, with the holder of them, if the present Motion were assented to; the more so because the emoluments of the offices were far from being likely to prove lucrative. The long vacation was about to commence; the offices during that period were not open; and, consequently, no fees were taken; and as the duration of the vacation was likely to be as long as that of the offices, he really did not think it necessary to adopt any such step as that suggested by the hon. Member. Under these circumstances, perhaps, the hon. Member would see the needlessness of persevering in his Motion.

Mr. *Cresset Pelham* observed, that the noble Lord ever met the hon. Members of that House with the greatest courtesy and urbanity when he was opposed to them; and in compliance with the suggestion which had been thrown out, as well as on account of the explanation which had been given to the House, he would willingly withdraw his Motion.

Motion withdrawn.

HOUSE OF LORDS,

Tuesday, July 31, 1832.

Minutes.] Bills. Read a second time:—Customs Duties; Post Roads (Ireland); Registry of Deeds (Ireland); Charitable Institutions (Ireland).

Boundaries' (Ireland) Bill.] The Duke of Richmond moved the Committal of the Irish Boundaries' Bill.

The Earl of *Limerick* proposed to refer the Bill to a Committee up-stairs, with a view to have the Boundaries as to Mallow and other places more accurately settled.

The Duke of *Richmond* saw no reason for referring it to a Committee up-stairs at this period of the Session. The matter had been examined in a Committee in the other House, and the boundaries settled in the most accurate manner that could be.

Bill committed.

House resumed.

HOUSE OF COMMONS,

Tuesday, July 31, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Granville Vernon, Letters from Admiral Codrington, relative to the *Asia* and *Dartmouth*, and the Quantity of Powder expended on Board those Ships between the 1st and 8th of October, 1827.—On the Motion of Mr. Hume, various Addresses to his Majesty from the Inhabitants of Canada, relative to the Established Church in that Colony.

Bills. Read a first time:—Chancery Reform.—Read a second time:—Exchequer Bills; Sugar Duties; Consolidated Fund; Glass Duties.—Read a third time:—Coal Trade (Dublin.)

Petitions presented. By Mr. Stanley, from Kinghorn, and the Remonstrant Synod of Ulster, in favour of the Ministerial Plan of Education (Ireland.)—By Colonel Clements, from Killoghart, against that Plan.—By Lord Morpeth, from Bowling, York, for the better Observance of the Sabbath Day.—By Mr. Francis Baring, from Halifax, against the Factories Regulation Bill.—By Mr. Alderman Wood, from Ardnageehy, against Tithes.—By Sir Robert Inglis, from Bristol, against Bull Baiting.

Dublin Coal Trade.] On the Motion of Mr. Spring Rice, this Bill was read a third time; and a Clause added relative to compensation to the Coal Meters and Inspectors of Dublin.

On the Motion that the Bill do pass,

Mr. *Leader* said, he was requested to give every opposition to the measure for compensating those retired Custom-house officers who purchased their places from the Corporation, and were not without their remedy. If a tax was to be imposed, the citizens of Dublin required it should be laid on the tonnage of the vessel, and not on the ton of coal. The citizens were tired and worn out with the exactions and oppressions of meters; they trusted there was an end of their superintendence, and that coal, the pabulum of their manufactures, would be left entirely free of all duty and restraint. He had learned that the Chamber of Commerce of Dublin, and the citizens of Dublin, had an understanding with the Treasury on these points. The measure was forced on at the end of the Session, and he regretted that the attention of the House had not been sooner called to the measure, and that the proposition was postponed until almost at so late a period of the Session, that all opposition was useless and unavailing. However, he must say, the citizens of Dublin were greatly dissatisfied at any impost on coal; they were afraid of the precedent. A very attentive and intelligent gentleman, Mr. M'Mullen, had written him several letters, and communicated the sense of the public bodies; and he hoped the right hon. Gentleman would accede to the wishes of the people of Dublin, and not allow this important article to receive the smallest interruption to being laid down on the cheapest possible terms. On these grounds he could not help expressing his wish, though he knew how useless that was, that the measure imposing this tax should be postponed until next Session.

Bill passed.

Retirement of the Speaker.] Lord *Althorp* appeared at the Bar of the

House, and stated, that he had to present to the House, his Majesty's most gracious Answer to the Address of the Commons of England, voted on the preceding evening, praying that his Majesty would be graciously pleased to confer some signal mark of his royal favour upon the right hon. Charles Manners Sutton, for his eminent services in six Parliaments, &c. He (Lord Althorp) had received his Majesty's most gracious commands to inform the House, that his Majesty would comply with its wishes, and confer upon its Speaker some signal mark of his royal favour, and his Majesty recommended to the House the adoption of such measures as would accomplish that purpose. The message being brought up, the Chancellor of the Exchequer moved, that the House should resolve itself (next day) into a Committee of the whole House, to consider his Majesty's most gracious Answer.

Ordered.

FACTORIES BILL.] Mr. Sadler rose to bring forward the Motion for adopting certain Resolutions on this subject, of which he had given notice, when

Lord *Althorp* submitted, that at so late a period of the Session, and with so thin an attendance, it would be better for the hon. Member not to bring forward the Motion, more especially as the Select Committee appointed to inquire into the subject, had not yet made their Report, and several of them were now out of town.

Mr. *Sadler*, under these circumstances, said he should consent to withdraw the Resolutions he had meant to propose, but he could not do so without expressing his regret and his surprise that when a matter so deeply concerning the happiness of thousands was concerned, there should have been so thin an attendance. Had any party questions been about to be submitted, any question of voting the money of the people to foreign despots, then, indeed, the House would have presented a very different appearance, for there would have been a full attendance of Members; but, as it was the cause of poor children and their parents, employed in factories, which was to come under the consideration of the House, this was a matter of so little consequence that Members did not think it necessary to attend. He might have counted out the House had he been so disposed, but he would not take that course, and, under the circumstances named by the noble Lord, he would not trouble the House with any remark, but would consent at once to withdraw his Motion.

Motion withdrawn.

Mr. *Sadler* said, that as his Bill for bettering the condition of the manufacturing poor, depended on these Resolutions, he should, for the present, withdraw that also.

Bill withdrawn.

SEWERS OF THE METROPOLIS.] Mr. *Hume* presented a petition from the inhabitants of St. Mary Abbotts, Kensington, complaining of the regulations with respect to the Sewers of the Metropolis. The hon. Gentleman said, great exertions had been made on this subject some years ago, and from there being very many streets without any sewerage, nuisances extremely prejudicial to health were generated. The sums at the disposal of the Commissioners of Sewers for Westminster alone, amounted to 65,000*l.* per annum, and there was no power of calling them to account. These Commissioners were some hundreds in number, but the fault lay in the system, not in them, and there was no remedy, unless the Legislature would interfere to cause an inquiry, which was, he believed, the object of the Motion, notice of which had been given for this evening, by the hon. Baronet opposite.

Mr. *Rigby Wason* could prove, that Chelsea paid a great sum to the Sewers rate, and that it was most imperfectly drained. It had a population of 32,000 persons, whose health was much injured by the ineffectual system of drainage adopted. He thought that the Government should take the matter up and provide a remedy.

Petition ordered to lie upon the Table.

Sir *Francis Burdett* said, that the Motion which he was now about to bring before the House, was one of great importance, but as the hon. member for Middlesex had often called the attention of the House to the subject, he should trouble them with but a few observations. The same causes which had prevented the town from being supplied with pure water had prevented it from enjoying the advantage of well-formed and well-connected sewers. In some parts the sewers were in pretty good order, in many others they were in a bad state, and in not a few places there was no drainage at all. Yet this deficiency did not arise from any want of money; for in every part of the metropolis the Sewers duty was regularly levied, and the whole produce of it was found to amount to 216,000*l.* a-year, and that sum, if properly applied, was quite adequate to keep up a proper system of drainage. The duty was levied with the same exactness where there were no sewers as where sewers had been made. This was manifestly unjust, and he believed that if the money thus raised was properly applied, every part of the town might be well drained. Several of his constituents had written letters to him complaining of the state in which the sewers in their neighbourhood were left, or alleging that there were no sewers at all to carry off the filth, and that, in consequence of the want of them, the property in the neighbourhood was materially injured. The hon. Baronet read a letter to this effect from a gentleman, several of whose houses at Vauxhall had been injured by want of a proper drainage. He observed that that complaint was not confined to Vauxhall, but that the evil existed in equal force through a great part of the Tower Hamlets and in Stepney, and indeed he believed in every part of London. He should not detain the House further, than by recommending that the whole of London should be placed under the inspection of an engineer, that one plan should be adopted for every part of it, and that the drainage of the whole, instead of being under the direction of a great many individuals with no common interest and no concert among them, should be under the direction of one person, whose duty it should be, to see that proper sewers were everywhere established. He should conclude by moving "That Mr. Telford be instructed to report to that House on the best plan to be adopted for draining the metropolis, on the state of the present system of sewerage, and to point out any improvements that could be made therein."

Lord *Althorp* said, that the subject was one of great importance, and it was desirable that an inquiry should be made respecting it; but he thought the matter had better be left in the hands of the Government, who could more conveniently arrange the expense that was to be incurred, and limit its amount, than could that House if it undertook the business.

Mr. *Warburton* said, that his objection to the Motion was, that it did not touch the point he complained of, which was the present system of law relating to sewers, the whole of which ought to be altered. At present there were many different Boards of Commissioners scattered through the metropolis, but there was not a single individual amongst them responsible for the performance of their duty.

Mr. *Hume* said, that if an alteration of the system took place, he was sure that the whole of London might be well drained without one farthing additional cost to the public. The money now levied and wasted would, if well applied, be amply sufficient for all that was required. The greatest advantage had arisen from putting the whole of the metropolitan roads into the hands of a few responsible Commissioners, and he thought the same course ought to be pursued with respect to the sewers.

Sir *Francis Burdett* said, that his object, like that of his hon. friends, was to simplify the system, and to secure responsibility somewhere. After what the noble Lord had said, he should be content to leave the matter in the hands of the Government, understanding, as he did, that they would take it at once into consideration. He hoped they would consult Mr. Telford, and, perhaps, between this and the next Session of Parliament, they might be able to give a satisfactory account of their proceedings.

Mr. *Hume* admitted the abilities of Mr. Telford, but thought that engineer ought not to be wholly relied on. He recommended that an inquiry should take place, and the witnesses be examined on oath.

Motion withdrawn.

TITHE COMPOSITION BILL (IRELAND.)] On the Motion of Mr. Stanley, the House went into Committee upon the Irish Tithe Composition Bill.

Major *Macnamara* said, that he felt it to be his duty to his constituents to resist any attempt to carry the Bill forward in the absence of the Irish Members, and he should, therefore, move that the House be counted.

Mr. *Wallace* warmly approved of that proceeding on the part of his hon. friend the member for Clare.

Mr. *Stanley* hoped that the hon. Gentleman would not persevere in a motion which would be productive of so much inconvenience to the public business, at the present period of the Session.

Major *Macnamara* must persevere in his Motion.

Lord *Althorp* said, that, as the object of the hon. Member to postpone the Tithe Bill was on account of the thin attendance of Members in the Committee, perhaps he would consent to the adjournment of the Committee, and allow the other business to proceed.

Major M'Namara assented.

House resumed—Committee to sit again.

FORGERY BILL.] The *Attorney General*,

in moving the third reading of the Forgery Acts' Amendment Bill, said, that a similar Bill had been passed by that House in a former Session, but was thrown out by the House of Lords. But although their Lordships could not then make up their minds, still, that rejection was no more than the delay of a question which could not long remain unsettled. It was universally known and acknowledged, that the punishment of death had not the effect of deterring from the commission of forgery. It was notorious that a feeling so generally prevailed, that the punishment was disproportionate to the offence, that the persons defrauded were unwilling to prosecute; witnesses were prevented from coming forward; and Judges and Juries were prevented from the strict execution of their duties by the same feeling. A petition from the merchants and bankers of London was presented to the House some time ago, in which the petitioners, the class the most interested in the country in the effectual punishment and suppression of this crime, declared, that so long as the punishment of death for forgery was continued, their property was in a great measure deprived of the protection of the law. It had been asserted, that prosecutors were no more unwilling to come forward in cases of forgery than in any other; but that he denied from his own experience. It had been also said, that Jurors were no more influenced by a false feeling of humanity for forgers, to swerve from the straight line of their duty, than they were found to swerve from it in favour of other criminals liable to capital punishment. In answer to that assertion, he would call the attention of the House to the petition of 1,100 Jurors of the city of London, who had petitioned Parliament on this subject. The petition to the House of Commons was presented by Mr. Brougham, that to the House of Lords by the Duke of Sussex. In that petition, those 1,100 Jurors expressly stated, they considered that the observance of their oaths as Jurors, where a true verdict would consign to the punishment of death a man guilty of forgery, would be a greater moral offence than the violation of the oath. Men would not act on principles repugnant to their nature, and no one had urged that more strongly than Dr. Johnson, in the 114th Number of the *Rambler*. He cited that authority the more readily, because Dr. Johnson had always been held up as a man of strong common sense, with a great contempt for all kinds of cant, for the cant of sensibility, and no predilection for the new philosophy. It was almost sufficient for him, however, to appeal to general feeling on this subject. He made that appeal to his hearers. If they felt that they could not bring themselves to countenance capital punishment in case of forgery, that was complete refutation of all the theories on the other side; because human feeling was beyond legislative control, and could not be trifled with. That punishment which was most effectual, was most humane; as it prevented a repetition of the crime. But the public feeling had long been reluctant to co-operate with the laws in this object. Culprits were well aware of this unwillingness on the part of the injured to prosecute, of Juries to convict, and of Judges to sentence, when the legal punishment was disproportioned to the offence; that knowledge was the most effectual encouragement to crime. He maintained, therefore, that the ends of justice were defeated by the law as it now stood, and that persons would be deterred from the commission of the offence by the certainty that the punishment of transportation for life must inevitably follow upon conviction. In a recent instance he had been engaged to prosecute a man named Lavers, who had, by means of sham receipts, sham certificates, sham warrants of Attorney, and sham documents of every kind, committed frauds upon the Pay-office to the amount of upwards of 1,100*l.* In that case the individual, when put upon his trial, intended to plead not guilty, believing that the offence was capital, and hoping probably to escape, notwithstanding the most conclusive proof against him, through the reluctance of the Jury to convict; but being informed, that by the late Act, the punishment of death was done away in his case, he at once changed his mind and pleaded guilty. In another case, a servant in the family of Mr. Pollock, a distinguished lawyer, and a Member of that House, had committed a robbery in the house of his master to the value of 200*l.* and on a suggestion of the Judge he was found guilty of stealing under the value of 5*l.*, which is only a transportable offence. Far from feeling gratitude, the culprit was displeased with the interference of the Judge, and in terms not very respectful, complained that he had not had a run for life or liberty:—plainly relying upon the humanity of the Jury for entire acquittal on a capital charge, and much dissatisfied with the certainty of transportation. A plausible objection to the repeal of capital punishment was the want of a good system of secondary punishments. But this argument assumed, that the primary were efficient: the contrary of which all experience had demonstrated. He, however, did not believe that transportation was so ineffective as was supposed. It was indeed unequal, from the different characters and habits of the sufferers: but the same might be said of every other punishment, most especially of death; *miserum veta perire, felicem jube.* But he positively denied that transportation inspired no terror, otherwise how strange was the injunction of a late law which imposed upon the Judges, before whom a conviction for cattle-stealing might take place, the task of pronouncing sentence of transportation for life on every such convict. With marvellous inconsistency this clause had been recommended by some who contended that transportation was hailed as a boon by criminals. Conscious of the truth of those principles which he was now the humble instrument of introducing into practice, he thought them most strikingly illustrated by what daily occurred in the administration of justice. For that reason he had drawn the attention of the House to one or two recent cases, and would now advert to a curious fact lately verified by hon. members from Lincolnshire, on presenting a petition from that county. Some excavators employed in a great work of drainage, near Spalding, though very good workmen, were very bad neighbours, and used to help themselves to the farmers' sheep. There was, for some time, difficulty in obtaining a conviction: but, at length, a conviction took place, and the man was sentenced to be transported. As soon as this happened the offence ceased; but Mr. Justice Littledale—than whom there was not a more humane Judge on the Bench—was afterwards induced to commute the sentence of this felon to one year's imprisonment. No sooner was this commutation known, than the crime again immediately increased. It could not then be doubted that the punishment of transportation for life carried very great terror with it to many who were likely to commit crimes. If transported, too, the culprit might make amends to the prosecutor, which his execution made impossible. And among the alterations which he thought advisable, he proposed, that, in the event of convicts becoming possessed of property at any future period, either in this country or in the colonies, they should be obliged to make restitution to the parties whom they had injured. At home and in our colonies, a provision to this effect might be enforced without difficulty; and the concurrence of foreign powers might be fairly expected in favor of so just and reasonable an object, if the plunderer should convey abroad the fruits of his crime. Perhaps he had passed too lightly over the principle on which the present measure rested: yet he really thought that the universal opinion of all classes dispensed with a formal proof of it. A remarkable example, however, of the inefficiency of the ancient severity seemed too impressive to be omitted: the fact was lately imparted to him upon unquestionable authority. On the Jury that had tried Dr. Dodd, there was a person named Davis, who took a most active part against him, and was the most earnest in urging his conviction. This man who was a builder, afterwards failed in business, and being tempted to commit forgery, he expiated his crime on the scaffold. Now it was obvious, that upon his mind, the melancholy fate of Dr. Dodd had produced no effect whatever, for he was not deterred by it from committing a similar offence. In the Bill of 1830, there were three classes of forgeries not exempted from capital punishment. The first of these was forgeries of the Great Seal, the Privy Seal, and other public instruments. But as, during the present Session, the Legislature had repealed the capital punishment on coining, which used to be considered as high treason, he saw no reason why they should keep up this severe distinction of the Bill of 1830. The second exception was the case of wills. No one would deny, that this was a crime committed by the basest of mankind; but, unfortunately, as he had already had occasion to remark, all resentment for that baseness was lost in the horror of the capital punishment; and if he had not already trespassed too long on the attention of the House, he could relate several instances in which, without any extenuating circumstances, the culprit escaped, owing to that very severity of punishment. In respect to the forgery of wills, many things conspired to make it difficult, and the culprits were most commonly near relatives to the parties injured, who naturally felt the greatest repugnance to a prosecution, and preferred to suffer the loss of their property to bringing their guilty relatives to an ignominious death. The third exception with respect to bills of exchange and promissory notes, was made on account of the facility with which those documents could be forged, but it was that very facility which furnished some excuse for the crime; and he believed that it would be found that almost all those forgeries took place owing to a want of due caution. Under these circumstances the Legislature was bound to consider, whether it ought not to do all in its power to compel parties to take greater precautions; and, whilst speaking on this part of the subject, he might allude to the case of the Quakers, who, on account of their religious scruples, would seem to be doubly exposed to depredation. The fact, however, was, that by means of proper precautions, the Quaker bankers were little affected by forgeries; and one of them stated, in evidence before the Committee, that he felt so secure as to believe that it was next to impossible that a forgery could be committed on his house. He called upon them then to consider in how difficult a situation Jurors would be placed, after that House had solemnly declared its opinion, that the punishment of death ought not to be inflicted for that crime, whilst the law still remained in force for the infliction of that punishment. Would not their unwillingness to convict, and their hesitation between their oath and their duty to humanity be much increased? The object of the present Bill was, like that prepared by the late Government, with the sanction of Lord Tenterden, and now the law of the land in relation to coining, to take away the punishment of death in all cases of forgery. He proposed to insert a clause, extending the Act to Scotland and Ireland, at the earnest solicitation of numerous Members from those parts of the United Kingdom. While he wished to remove an obstacle to just prosecution from the fear of excessive severity, he proposed to deprive the guilty man of one chance of an unjust acquittal, through the medium of technical flaws. His Bill, therefore, contained a clause dispensing with the necessity of setting out a precise *fac-simile* of the forged writing on the Bill of Indictment, and only required that it should be correctly described. Before he sat down, he was glad to have it in his power to state, that his late lamented friend, Sir James Mackintosh, had fully coincided in the principle of the present Bill, although, in 1830, he had consented to something less, in the hopes of getting the principle acknowledged. Never had that truly great and good man rendered a more important service to humanity, than by persevering in the course which had been so zealously pursued by Sir Samuel Romilly. Having made these observations, he should now move, that the Bill be read a third time.

Sir *Charles Wetherell* said, that when recently a revision of the criminal code took place, which was effected by a right hon. friend of his (Sir R. Peel), capital punishment was continued, with reference to murder, rape, forgery, cattle-stealing, and burning. It was supposed at the time, and the question then underwent much consideration, that the alteration then proposed and agreed to would be final. The Attorney General had told them that the late Sir James Mackintosh was favourable to such a measure as that which was now brought forward. If, from his knowledge of that learned personage in private life, the Attorney General was enabled to come to that conclusion, he, of course, could say nothing in opposition to it. But so far as a public demonstration of sentiment went, he had reason to believe that Sir James Mackintosh coincided in the classification of offences as contained in the revision of the criminal code to which he had alluded. He could not help stating his conviction that Sir James Mackintosh was of opinion, after the fullest consideration of the subject, that the criminal code, as then settled, laid down the *maximum* of the relaxation of the criminal law of this country. The cases that were to be dealt with in that revision were naturally divided into two classes—those which affected the person, and those which affected property. Murder and rape, appertaining to the former, were, of course, as the most atrocious offences, still kept within the pale of the highest punishment. Burglary, too, which could not be committed without a most serious breach of all that was sacred in the social system, and arson, were placed in the same division. Cattle-stealing was also dealt with in the like manner. And here he might observe, that one of the most humane, and learned, and philanthropic men that this country had ever produced—he meant Dr. Paley—had assented to the propriety of this punishment in cases of cattle-stealing, on account of the ease with which cattle might be abstracted, and the immense quantity of property of that nature which was left unprotected. Forgery also was continued a capital offence under the altered law. But although in the commission of forgery, every safeguard to property was broken down—though it was generally committed under circumstances the most revolting and treacherous, yet it was sought by this Bill to do away capital punishment with reference to such a crime. The alteration which had been made in the law relative to cattle-stealing, he strongly condemned. Some of the most able and learned men on the bench had stated that the new Act placed them in a very difficult situation. It was quite clear that cases of cattle-stealing might occur where a relaxation of the law, at the discretion of the Judge, would be most proper. But no discretion was now left to the Judge. In every case, the sentence, under the new Act, must be transportation for life. However gross and aggravated the case might be, transportation for life was the extent of the punishment; and, however trivial it was, however great the circumstances of mitigation, still the Judge had no discretionary power, and transportation for life must be the consequence of conviction. These modern pedants in legislation had taken away all discretion from the Judges, and the least culpable, as well as the most atrocious offender, received the same amount of punishment. His hon. and learned friend, in proposing to take away the punishment of death from all cases of forgery, drew no distinction whatever between them. According to his hon. and learned friend's doctrine to forge a 20*s.* note, or one of 20,000*l.* was precisely the same thing. He feared to admit the principle that capital punishment ought never to be inflicted for the forgery of bank-notes; but supposing that principle to be admitted, it was obvious that the forger of small notes stood in a very different position from a person who had forged powers of attorney for the transfer of stock at the Bank. The case of Mr. Fauntleroy was one of the latter description, and as he conceived, well deserving of consideration in reference to the subject now under consideration. Mr. Fauntleroy was a banker, and was empowered to receive the dividends of many of his customers who had property in the Funds. He carried on an habitual system of forgery, by which he robbed his customers and the Bank, and contrived by that system to acquire property to the amount of nearly 300,000*l.* to the extinction of confidence and the ruin of hundreds of innocent persons; yet they were now told that philanthropy and morality made it necessary to exempt such a person as Mr. Fauntleroy from capital punishment. He had the honour to be Solicitor General at the period when the case to which he had just alluded occurred, and he well remembered that, although the case was enormous and unpardonable, a kind of mawkish feeling existed in favour of the criminal. There was a party in this country who thought that, in that most aggravated case, the law ought to be suspended. He had seen the list of sufferers—of persons hurled from affluence and respectability into deprivation and misery. The widow's 5,000*l.*, and the orphan's 10,000*l.*, and the savings of a retired tradesman's life, were all swept away by this delinquent, and yet that was the case in which philanthropists went through the town, with weeping eyes and white handkerchiefs. For his own part, he could not permit his feelings of pity and humanity to be absorbed by the delinquent—his sympathy was also excited for the sufferers, and he felt it would have been a sin and a wrong if the law had not been allowed to take its course. If another case of a forging banker and trustee, however, should hereafter, unfortunately occur, the weeping philanthropists would lose their occupation, for the criminal would be exempted from capital punishment by the present Bill. The great objection which he felt to the measure was, that it laid down the same principle as applicable indiscriminately to cases in which a forgery was committed of a bank-note of the value of 20*s.* and of a warrant of attorney to transfer stock to the amount of 100,000*l.* Now, the Bank cases were necessarily cases of deliberation —they were usually combined with the grossest breach of trust. It was not the mere mechanical substitution of one name for the other, but there was an addition of moral turpitude which was a great aggravation of the offence. Having declared his opinion on the Bill, if the House were satisfied with the principle laid down in it, he had nothing more to say, but that he could not agree to hanging a man for stealing a hammer-cloth from a Gentleman's carriage or a coachman's coat with eight or ten capes, or for the commission of a burglary, whilst all the property in the Bank of England was left unprotected. He left it to the philanthropists to account for the principle by which burglary and some other offences were to be punished with death, whilst the forger who possessed himself of thousands, was allowed to escape. He would not take up the time of the House by enlarging further on the obvious distinction which existed between forging a promissory note and forging a public register of a will, nor should he discuss further the grounds upon which, as he conceived, it might be expedient to exempt the criminal in the former case from capital punishment, and to inflict it on the greater delinquent. The principle now contended for was, that capital punishment should not be inflicted in any case of forgery. Now, he had endeavoured to find out the lineage of this new sympathy concern. It was not of very ancient date. He had looked into the works of Addison, of Locke, and of many of the most distinguished writers of what had been called the Augustan age of English literature; but he could find no such sentiment. It was only that morning he had the curiosity to look into the letter addressed by Dr. Johnson to the Prime Minister of that day, Lord North, in favour of Dr. Dodd, whose case had been alluded to by the Attorney General. Dr. Dodd, as every one knew, had been convicted of a forgery of 4,000*l.* on Lord Chesterfield, and Dr. Johnson was commissioned by Dr. Dodd's friends to write a letter in his behalf. With all his zeal and resources, however, Dr. Johnson never dreamt of pressing into his letter any of the arguments now suggested. He never called for the remission of Dr. Dodd's punishment on the ground that his execution was contrary to morality or religion. He merely contended that it would be a disgrace to the clerical body if so eminent a man as Dr. Dodd underwent the extreme punishment of the law. None of the great writers and philosophers of Queen Anne's reign had countenanced the doctrines now laid down on this subject. That great moralist and philosopher, Dr. Paley had started no such doctrine; on the contrary his proposition was, that where property was defenceless, and could only be protected by the dread of capital punishment, it was not unjust for a state to inflict it. The same principle was followed up by Sir William Blackstone, who called it a pious fraud for Judges to invent cases where the extreme punishment of the law was not to be carried into effect, although the law allowed the punishment in aggravated cases. The rule now attempted to be laid down, however, was, that capital punishment was in no case fit, moral, or expedient. It was not for him to pursue this argument further. He did not see any of the Bank Directors, nor the Solicitor to the Bank, in the House. He believed there was not an India Director present. He begged pardon—his hon. and learned friend, the member for Kirkcudbright (Mr. Cutlar Fergusson), was an India Director; but he feared he could not reckon on his support in protecting property in the funds and other public securities, by retaining capital punishment in cases where forgeries were committed by persons for the purpose of possessing themselves of that description of property. He did not wonder that the merchants, bankers, and others most interested in the question were not in attendance. After the labours of the last and the present Session, it was only wonderful that forty Members could be got together on any question—and, looking round the House, he doubted whether, if it were now counted, that number would be found. He had endeavoured to persuade himself that he was wrong on this question. He had tried in vain to join those who were so ready to use the handkerchief and the smelling bottle. He had read many of the publications opposed to his own views on this question, and he found that the chief argument for the abolition of capital punishment was, that the vengeance of the law did not stop forgery, and therefore, that there could be no use in hanging men for forgery. Now, the law for centuries had punished burglary, murder, and arson with death, and burglary, murder, and arson had not been stopped. Yet the whole logic of the philanthropists now was, that because hanging had not suppressed the crime of forgery, it was useless and ought to be given up. However unpopular the expression of his opinion might be at love feasts and reason feasts—he could by no means submit to this logic of the philanthropists. Though he might be so unfortunate as to be eliminated from their doors and excluded from all communication with the sentimentalists, although the philanthropists might excommunicate him and the people condemn him, he must still maintain that the principle of the present Bill was most mischievous. By taking off the dread of capital punishment even in the most aggravated cases, they almost tempted and bribed men to commit forgery; and at the hazard of being accused of advocating murderous principles, he had taken the liberty of stating the grounds of his objection.

Mr. *Cutlar Fergusson*, having been alluded to by his hon. and learned friend who had just sat down, wished to seize the earliest opportunity of declaring his warm approbation of the Bill. He had been authorised by a large and respectable body of persons in Scotland to express their wish that the measure should be extended to that country. Since its introduction, he was happy to find that a clause had been introduced extending its operation to Scotland, and he believed the measure would be hailed in that country as a great improvement of the criminal law. With respect to the bill which his hon. and learned friend (Sir Charles Wetherell) stated had produced so much inconvenience on the circuit, he begged to remind his hon. and learned friend that it was not the Bill of the House of Commons. All the absurdities, and all the pedantry which his hon. and learned friend charged on that bill, were attributable to his noble friends in the other House, and not to the House of Commons. If the bill had been allowed to pass into a law in the form in which it had passed the House of Commons, none of the inconveniences complained of by the Judges would have arisen. His hon. and learned friend had talked of the settlement of the principle now under discussion at the period when the right hon. member for Tamworth (Sir Robert Peel) introduced his Bills for the amendment of the Criminal law. If the Bills of the right hon. member for Tamworth were satisfactory to others, they certainly were not so to him, and he must altogether deny that the principle was then fully or satisfactorily considered. The measures were passed with little discussion, and the principle was not settled to the satisfaction of any man who had considered the Criminal law upon principle. By the right hon. member for Tamworth's Bills it was enacted, that stealing to the value of 40*s.* should no longer be subject to capital punishment, but stealing to the value of 5*l.* was still left subject to capital punishment. Was that a principle, he asked, which any man could consider as a satisfactory settlement? His hon. and learned friend had alluded particularly to the case of Mr. Fauntleroy, and certainly that was a case of as great crime as could be committed; but the moral offence in that instance would have been quite as great if it had not been accompanied by forgery. The moral offence was in the breach of trust, far more than in the mechanical operation of forging the signatures to powers of attorney. His hon. and learned friend asked, would they leave all the property in the Bank of England without protection? The very end of this Bill was the protection of property. Did the House remember, that a petition had been presented to it in favour of the principle of the Bill, from persons particularly interested in preventing the crime of forgery, from the bankers? The petition was signed by persons having a large property liable to be injured by this crime, and yet the object of their petition was, to desire that the crime of forgery should not be punished with death, because they felt that their property could not be protected by that law. The language of the bankers' petition was:—"As long as the Legislature affixes to the crime of forgery a punishment which jurors and prosecutors deem too severe, our property must be at the mercy of forgers." His hon. and learned friend asked where the principle now contended for, was to be found in the writings of the moralists and the philosophers of former times? His hon. and learned friend, however, seemed to mistake the principle now contended for. No man supported this Bill on the ground that the Legislature had not a right to affix the punishment of death to the crime of forgery. The supporters of the Bill only contended, that it was wrong to continue to inflict that punishment, when the feelings of the age and the country did not go along with the law. His hon. and learned friend had also told the House that the ancient principle of the law was to enact that the punishment of death might be inflicted for many offences, but in reality to inflict it only in few cases. Now he must contend that was a modern, and not an ancient principle of the law. Even during the reigns of George 1st and George 2nd, in two-thirds of those cases in which capital punishment was affixed by the law, the punishment was really inflicted. The punishment of death for the forgery of bills and notes, and other negotiable instruments, was not a part of the ancient law. His hon. and learned friend had referred to the Augustan age of Queen Anne, and told the House that the sentiments now so general on this subject was not to be found in the works of the moralists or philanthropists of that era. Now the fact was, that in the reign of Queen Anne, the forgery of Bills and notes was not punishable with death. It was not made a capital punishment until the reign of George 2nd. His hon. and learned friend had quoted the sentiments contained in the letter of Dr. Johnson; but no doubt, in the course of his reading, his hon. and learned friend had looked into Dr. Johnson's *Rambler*. If he had not read it recently, he (Mr. Cutlar Fergusson) would recommend No. 114 of that work to his perusal. It would afford his hon. and learned friend a very pleasant evening's reading after he left the House. In that number Dr. Johnson observed:—'He who 'knows not how often rigorous laws produce total impunity, and how many crimes are concealed and forgotten, for fear of hurrying the offender to that state in which there is no repentance, has conversed very little with mankind. And, whatever epithets of reproach or contempt this compassion may incur from those who confound cruelty with firmness, I know not whether any wise man would wish it less powerful or less extensive.' He then went on to state—'All laws against wickedness are ineffectual, unless some will inform, and some will prosecute; but till we mitigate the penalties for mere violations of property, information will always be hated, and prosecution dreaded. The heart of a good man cannot but recoil at the thought of punishing a slight injury with death; especially when he remembers that the thief might have procured safety by another crime, from which he was restrained only by his remaining virtue. The obligations to assist the exercise of public justice are indeed strong; but they will certainly be overpowered by tenderness for life. What is punished with severity contrary to our ideas of adequate retribution, will be seldom discovered; and multitudes will be suffered to advance from crime to crime till they deserve death, because, if they had been sooner prosecuted, they would have suffered death before they had deserved it.' He rejoiced that he was able so opportunely to quote the testimony of Dr. Johnson, as to the severity of the law defeating itself. He thought, if his hon. and learned friend had reflected a little, he would not have introduced the name of Dr. Johnson as a defender of severity of punishment, and an opponent of the mitigation of legal infliction. His hon. and learned friend said he saw no reason why burglary should be punished with death, and forgery not. He (Mr. Cutlar Fergusson) considered that burglary, rape, arson, highway-robbery, and offences accompanied with violence or terror, were proper objects of a more severe punishment than ought to be extended to crimes which were not accompanied with terror or danger to life or person. At the same time he admitted that the law relating to burglary ought to be amended, and more accurately defined: for now it was his opinion that the construction, put by lawyers upon what should constitute the crime of burglary, such as the mere lifting of a latch, was a construction such as was never contemplated by the framer of the law. But to return to the subject before the House, he must say, that the punishment of death in cases of forgery was not effectual. He thought, therefore, that it ought to be abolished altogether in cases of forgery. He did not say that such a crime as that of Fauntleroy did not merit a severe punishment; but the crime of forgery was not considered in the eyes of the world of so atrocious a nature as that prosecutors would be willing to come forward, or Juries to convict, when the punishment was so disproportionate to the crime; and, therefore, the punishment was ineffectual. He, by no means, approved of the alteration which had been made in the bill that had recently passed that House. He thought it would have been better to reject a Bill altogether, which said that every case of cattle-stealing should be punishable with transportation for life, than to pass it in that shape.

Sir *Edward Sugden* regretted that a measure of this nature should be brought forward at this period of the Session, or should pass in so thin a House. At that moment he did not apprehend that there were forty Members in the House, and during a great part of the discussion, there had not been more than twenty. He could not conceive a more dangerous course than that a Government should, when so great a portion of the Members had left town, bring forward and pass so important a measure in so thin a House. For this really was a matter of the greatest importance; it was one which the House would have to re-consider, and to watch in its effects, and if he did not mistake they would often hear of what he now alluded to—namely, its being passed under such unfavourable circumstances. As to the measure of his right hon. friend the member for Tamworth on this subject, he would undertake to say, that no measure had ever been more elaborately, more diligently, and more ably discussed. He very highly esteemed the abilities of one right hon. Gentleman who had taken a part in that discussion—he meant the late Sir James Mackintosh—but it should be recollected that that right hon. Gentleman thought that it would not be safe to extend the exemption to cases of forgery of wills. Now he did not know that any thing had since occurred to alter that view. No man could be more desirous than he was to get rid of capital punishment; but if he felt that that could not be done consistently with the safety and protection of property, he should be ready to take any odium or any public indignation that might be directed against him for the conscientious discharge of his duties. He knew what was the popular side of this question, as he did of most questions, and he was as anxious as any man to gain popularity fairly, but certainly would not seek it at the expense of what he felt to be his duty. If any secondary punishment could be devised which would be effectual, he would be the first to propose to get rid of sanguinary punishments. But he did not know where such a punishment existed, and he should, therefore, be inclined to say "wait until you get it, before you altogether relax the terrible penalty of death." It was worthy of remark that public crime had of late years taken a different direction. We had not now those attacks with violence on the high road, in the open day, which rendered it unsafe for persons to leave their houses. But now men set by their fire side and projected robberies and executed forgeries. He was convinced that if the punishment of burglary were done away with, houses would be stripped to an extent which it was impossible to contemplate. So, if the punishment for forgery were relaxed, he could not doubt that there would be a great increase of that crime. There was a great body of capitalists in this country—for capitalists they really were—who spared no expense in the accomplishment of extensive robberies. Months were dedicated to a single robbery and hundreds of pounds were expended before it was perpetrated. If the punishment of death for forgery were taken away, without the substitution of some other salutary punishment, forgeries would be carried on by clubs, and associations of criminals, which would soon render it necessary to revert to extreme measures. He confessed that he did not altogether approve of the alteration made by the Lords, in a former bill which had been alluded to, although he did not condemn it to the extent that some did. The fact was, that whatever punishment was awarded, there would be found some persons of such morbid sensibility as to disapprove of it, and they would condemn transportation for life, as much as they now complained of death. If, for instance, such a man as Fauntleroy had been condemned to work in irons amongst felons for life, he had no doubt that thousands would have been found to petition against it. If any effectual secondary punishment could be substituted, nobody would more willingly support the abolition of the punishment of death than he should. His opinions on this subject were well known, and he had seen no reason to alter them. He did not, however, intend to oppose this Bill; but he would leave all the responsibility of it with those who had originated it, and who pressed it forward under circumstances so unfavourable to its due consideration. He admitted that the feelings of the public mind were so strongly against the punishment of death, that if an effectual secondary punishment could be substituted, it would be desirable to dispense with the capital punishment; for when one general and universal opinion pervaded the public mind amongst all ranks and classes, let it be right or wrong, the Members of that House were bound to attend to it. But he thought that, unless a secondary punishment could be found, the House was now going too far. There was one mode of forgery which he feared would be very much increased—namely, forgeries committed by persons who had got very much into the confidence of their employers or friends, who had become acquainted with their private affairs, and who might be tempted to commit forgeries, which would not be discovered during the life of the party. He knew of an instance in which two persons were in habits of the most intimate intercourse, dining together, and walking sometimes in company with a third party, which third party forged a mortgage deed from one of the other two to his friend. It was made a point of delicacy not to allude to the subject during their friendly meetings, and it was not for many years discovered that one of these gentlemen had not executed the mortgage, and that the other had advanced thousands upon it. The hon. and learned member for Kircudbright had asked whether the fraud of a guardian did not involve as great moral guilt as forgery? No doubt it did; and no punishment could be too great for the wretch to whom a child might have been intrusted, who defrauded her of her property, and committed a violation of confidence so destructive to the existence of society; but the reason why that offence was not punished as severely as forgery was, that no human laws could discriminate degrees of fraud. It had been hinted to him, that if this Bill passed, the Bank would not be able to conduct the public business. He took it for granted that the noble Lord had not allowed a bill like this to have been brought in without inquiring into this matter, for that forgeries upon the Bank would increase there could not be a doubt. The Attorney

General smiled; but he (Sir E. Sugden), was speaking seriously upon a serious subject. He did not mean to oppose this measure; but to call the attention of the House, of the Government, and of the country, to the responsibility that would attach to the Government for advocating it. If the noble Lord had ascertained the opinion of the Bank Directors upon this Bill, and had satisfied himself that there was no danger in it as regarded them, or if the noble Lord believed that he could do without the assistance of the Bank, there was an end to his, (Sir E. Sugden's) observations; but, if otherwise, they were entitled to great weight. He should be happy to find that persons competent to form an opinion on the subject had sanctioned the course now taken by his Majesty's Government; but he feared the consequence of their requiring the House to pass it hastily towards the end of a Session, when only twenty or thirty Members were present, would be seriously felt. The Legislature and the country were travelling fast towards the abolition of all capital punishment, and the influence of a particular body of dissenters would soon prevail over the healthy sense of the majority of the community. No man respected the Quakers more than he did—no man more admired their peaceable, inoffensive habits, their love of quiet and good order—no man was more ready to acknowledge that they were exceedingly good citizens, and that the example of good conduct which they held out was useful all over the country; but they were against all punishment of a capital nature, not only for this, but for nearly every other offence. Nobody was prepared at present to go that length; and even by the present measure, Government was but sowing the seeds of a crime of which the country hereafter would reap an abundant crop.

Mr. *Hume* said, what the House had to consider was, whether the law was not so much against the general feelings of the people that it could not be enforced, and, if so, whether it ought not to be altered. He was satisfied that, generally speaking, the character of our laws was too sanguinary; and he hoped that we were rapidly proceeding to put an end to capital punishment, a consummation which he did not dread like the hon. Member who spoke last. The hon. and learned member for Boroughbridge, had spoken rather senselessly about philanthropy and philanthropists. The hon. and learned Gentleman might be sincere in his opinions, and yet, like the hon. and learned Member who had just sat down, do justice to his opponents, who, he ought to remember, could be guided by no selfish interest, but by public principles of the most generous character. It was hard upon them, therefore, to be held up to the contempt of the country by the epithets which the hon. and learned member for Boroughbridge had bestowed upon them. With respect to the Quakers in particular, he would say that they deserved the thanks of every friend of humanity. He spoke advisedly, for he had been long in communication with them, and knew them well. The hon. and learned Member asked the House what evidence they had of this Bill not being injurious to commerce? They had the evidence of almost all the bankers of London, and the evidence of experience, for, if they looked to countries where capital punishment was not inflicted for the crime of forgery, they would find the crime to be less frequent than it was in England.

Sir *Frederick Trench* had heard with much pleasure the observations that had fallen from the hon. member for Middlesex, and the concluding remarks of his hon. and learned friend, the member for St. Mawes. They had both of them stated their conviction that the Quakers in wishing for the abolition of the punishment of death, were actuated by the most humane and benevolent motives. He had been anxious to rise for the purpose of vindicating that most enlightened, and liberal, and disinterested portion of the community, from the observations of his hon. and learned friend the member for Boroughbridge, observations not, he was sure, springing from any bad opinion of the sect, but uttered in that flow of sarcastic eloquence, for which he was so remarkable. He hoped his hon. and learned friend would not class him amongst the "pretending sentimentalists or the mock philanthropists, for he detested the cant of modern philosophy and mawkish sensibility as much as his learned friend could do, but he was confident that the humane feelings of the Quakers were as pure and genuine as their manners were mild and their lives were virtuous. Without going to the same length as the excellent and amiable sect alluded to, he was sure that every friend to humanity must be desirous of seeing the punishment of death abolished if it were practicable. He understood the object of punishments to be the prevention of crime, and if the punishment of death was not effective for this object, some other ought to be resorted to.

It would be presumptuous in an unlearned person like him, to interpose in the discussion of points which had been so ably treated by the gentlemen of the law who had addressed the House; and he should not have presented himself at all, if it had not been for his anxious desire to express his conviction that the Quakers were not deserving of the reproach of his hon. and learned friend, and to say that he concurred in the opinions of a body whom he so truly admired and respected.

Lord *Althorp* said, that, in answer to the objection made by the hon. and learned Gentleman, the member for St. Mawe's, that this matter should be brought on so late in the Session, he could only remark, that the subject was not new to the House but had frequently been discussed before, and even in the present Parliament. On the other point to which the hon. and learned Gentleman had referred, he begged to state, that he had not communicated directly with the Bank of England on this subject, but he certainly had heard that some influential persons connected with the Bank of England entertained fears with regard to the effect of this measure. He, however, had no such apprehensions himself. The hon. and learned Gentleman opposite had referred to the case of Fauntleroy, and he would allude to it for a directly different purpose to that for which it had been brought forward by the hon. and learned Gentleman. He (Lord Althorp) now mentioned it to remind the House, that even notwithstanding the heinousness and great moral turpitude in that case, which certainly called for the severest punishment of the law, yet in that case the feelings of sympathy in this country were raised against the punishment of death. He was of opinion that a long continued and a disgraceful punishment would tend more to check crime than the punishment of death itself, and that a man like Fauntleroy would dread such a punishment more than death. He admitted the objection (and it certainly was an objection) taken by the hon. and learned member for St. Mawe's—namely, that his Majesty's Government were not prepared with any good salutary plan of secondary punishments; but this was a point he had always been inclined to give his best attention to; and though the subject did not immediately come within his official duties, he should continue to give it his consideration. In his opinion, the punishment of death ought only to be carried into effect in cases where personal violence and injury had been inflicted, and on that principle he thought the feelings of the country were with him.

Mr. *Sadler* supported the Bill. He had himself suffered from forgeries, but could never bring his mind to prosecute, from a feeling of the consequences that might ensue. It was the conviction of his mind, long before he had a seat in the House, that it was objectionable to punish with death the crime of forgery.

Mr. *Poulett Thomson* could confirm the statement that the severity of the punishment for forgery prevented the due execution of the law. There had been cases within his own knowledge, where bankers and others had allowed forgeries to pass unpunished, owing to their repugnance to do anything that might make them incur the possibility of being obliged to prosecute capitally. If he was asked whether he would risk the increasing of the crime rather than continue the present mode of punishing it, he would say no; so deeply was he impressed with the necessity of preventing the crime, that he might vote in such a case for the punishment of death. But he was satisfied that capital punishment was unnecessary, and that secondary punishments would afford a much greater security. As to whether the Bank of England had any objection to this measure, he did not think that the Bank of England was the only party to be consulted, or any other body of men. Bodies of men were often anxious to shroud their individual responsibility by acting conjointly, and many persons would do that in a body which they would shrink from doing singly. He knew, however, that in the Bank of England there were some gentlemen opposed to the punishment of forgery by death. He was willing to go so far with the hon. and learned Gentleman as to wish that a secondary punishment could be found of more severity than we now had for forgery, though, considering the class of persons who were usually guilty of the crime, transportation and hard labour were great punishments.

The *Lord Advocate* rose, rather in the character of a witness, to state that, from his experience in Scotland, the extreme and unmitigated severity of the law rendered it difficult to secure a conviction for forgery, than to make any observations on the Bill. He would, however, say of it, that it had been extended to Scotland in consequence of his recommendation, as he was anxious to avoid the anomaly of retaining the punishment of death in one part of the United Kingdom for the crime of forgery while it was abolished in the other. It was, perhaps, right that he should state to the House that by the common law of Scotland, death was attached to all those crimes which were called the *graviora delicta ;* but the public prosecutor might mitigate or restrict the charge, and not proceed for a capital punishment. Formerly, the *graviora delicta* were commonly prosecuted capitally ; but of late years it had become a matter of extreme difficulty to convict for forgery ; and within the last four or five years, he and his learned friends had found it necessary, in cases of clear guilt, to restrict the libel to a minor charge, not affecting life. He would undertake to say, that in nineteen out of twenty cases during the last six or seven years, the public prosecutor had been obliged so to restrict the libel.

Mr. *Wyse* concurred in the extension of the law to Ireland.

Bill read a third time and passed.

RECORDER OF DUBLIN.] On the Motion of Mr. Hume, the Order of the Day was read for the Second Reading of the Recorder of Dublin Bill. The hon. Member moved, that the Bill be then read a second time.

Mr. *Sinclair* opposed the further progress of the Bill, which he contended, was unjust, and ought not to have been brought forward at this late period of the Session. He moved, " that it be read this day three months."

Sir *Charles Forbes* seconded the Amendment. If it were indecent, as the hon. Member said, for the Recorder to ask for votes, was it not indecent for the Lord Advocate to go from house to house in Edinburgh ? He considered that the Bill was most unjust, and he would use all his influence to defeat it.

Mr. Warburton rose, and was proceeding to address the House in support of the Bill, when

Mr. Kearsley moved, that the House be counted.

House counted out.

HOUSE OF LORDS,

Wednesday, August 1, 1832.

MINUTES.] Bills. Read a second time:—Bankrupt Laws Amendment.—Read a third time:—Russian-Dutch Loan.

Petitions presented. By the Duke of RICHMOND, from Tallow, Lismore, and Cappoquin, against Tithes and Church Cess.

HOUSE OF COMMONS,

Wednesday, August 1, 1832.

MINUTES.] Papers ordered. On the Motion of Colonel SIBTHORP, an Account of all the Sums hitherto received under the head of Deccan Prize Money.—On the Motion of Mr. HUME, a Return of the Names of such SPEAKERS of the House of Commons as have received Retiring Pensions, and their Amount.—On the Motion of Mr. WARBURTON, Notices relative to Business given by the Court of Review in Bankruptcy; also an Account of the Sums expended by the Trustees of the British Museum in the last three years in the purchase of French Books.—On the Motion of Mr. HUME, Copies of Acts passed by the Colonies in British North America relative to a Tax on Emigrants.—On the Motion of Mr. HARVEY, Copies of the Receipts given by the Commissioners of Excise for the Amount of their Salaries.

Bills. Read a first time:—Speaker's Pension; Aberdeen College; Literary Property, and Public Accounts.—Read a third time; Bills of Exchange.

Petitions presented. By Mr. HUNT, from a Society of Women, for the Abolition of all Taxes on Knowledge, and from Persons confined in Lancaster Gaol for Political Offences, praying for Relief.—By Mr. STRUTT, from Rivington, in favour of the Ministerial Plan of Education (Ireland).

MAGISTRATES OF NOTTINGHAM.] Mr. *Hunt* presented a Petition from the parties who had been imprisoned at Nottingham, complaining of having been subjected to great cruelty and severity in the gaol at Nottingham, where they had been confined from October until January. He mentioned this, as the hon. and learned Attorney General had observed, on a former occasion, that the parties actually imprisoned had made no complaint. The petitioners complained that the inquiry promised by the Secretary of State was intrusted to the Magistrates, and as the Magistrates were interested parties, this would be a mock inquiry. The circumstances of this case he had stated before, and, horrid as they were, he was prepared to repeat them. The Government had promised inquiry both into this case and into the case of Somerville, but he was afraid that as the one inquiry was to be intrusted to Magistrates, so the other would be left to majors and captains.

Mr. *Cresset Pelham* could not believe that the inquiry instituted by the Magistrates would be, as the hon. Member said, a mock inquiry.

The *Attorney General* regretted that the Under Secretary of State was absent, from indisposition. The proper persons, he conceived, to inquire into any charges against their inferior agents or gaolers, were the Magistrates, and it was not to be supposed that they could tolerate the cruelties complained of. The only wish of the Secretary of State was, to come at the truth, and the mode adopted by him appeared simple and efficient.

Petition to be printed.

JUDGES' CHAMBERS — ACCOMMODATION.] Mr. *Freshfield* presented a Petition from the Incorporated Law Society of Great Britain, complaining of the want of sufficient accommodation for Judges, Counsel and Solicitors at the Judges' Chambers, and praying for the erection of sufficient buildings for that purpose.

Petition read.

Mr. *Hume* supported the prayer of the petition, and was sure that this subject ought to be taken up by Government. The chambers where the Judges met at Serjeants' Inn to transact business were wholly inadequate and most disgraceful. The Judges, too, did not attend as much as they ought, and he thought they should attend in turn the whole day.

Mr. *Harvey* was of opinion, that the hon. member for Penryn (Mr. Freshfield) would confer a great benefit on the profession and on the public generally, if he could procure a remedy for the evils of which the petition complained. It was now impossible that attorneys could attend to the interests of their clients.

The *Attorney General* admitted, that there was much more accommodation than was now attainable required for the administration of the law. He would, at the same time, suggest, that the Judges who attended at chambers should be taken from all the Courts.

Petition to be printed.

Lord Althorp having risen to move one of the Orders of the Day,

Mr. *Hume* said, he had hoped the noble Lord was about to pledge the Government to take up the object of the petition.

Lord *Althorp* said, that his hon. friend had lately so devoted himself to architects and architecture, that if all the improvements which his hon. friend was now anxious for were to be carried into effect, the Treasury would have very little money to dispose of for other public services. He could not pledge himself to forward the object of the petition, but it should be taken into consideration.

RETIREMENT OF THE SPEAKER—ANSWER TO THE ADDRESS.] On the Motion of Lord Althorp, the House went into Committee on his Majesty's answer to the Address respecting the Speaker's retirement from his office.

Lord *Althorp* then spoke as follows: Mr. Bernal—In rising to make the Motion which I think it proper for the House to adopt respecting the Speaker of the House, who is about to retire from the Chair of this House, I do not think it necessary, after what has passed on a former occasion, to say anything whatever on the merits of that right hon. Gentleman. The House has so unanimously approved of his conduct in the Chair, that it is not necessary for me to touch further upon that subject. The right hon. Gentleman in the speech which he had made from the Chair, had decided that he would not put himself in comparison with his predecessors. Whilst the right hon. Gentleman was present it was difficult for me or any Member to state an opinion on a subject of so delicate a nature; but having had the honour of sitting in this House, and of seeing the Chair filled by other Speakers, by Gentlemen very eminent for abilities and knowledge, I have no scruple (however great was Lord Colchester's knowledge of the laws of the House, and however eminently he performed his duty in defending its privileges), I have no hesitation, as far as my experience goes, of saying that, during the period that the present Speaker has sat in the Chair, all the facilities of public business have been greatly increased. The right hon, Gentleman, I am convinced, need not be fearful of putting himself in comparison with any predecessor. I have, therefore, a right to say, that whatever have been the claims of other Speakers on the liberality of Parliament, the claims of the present Speaker are at least equal. The right hon. Gentleman has sat in the Chair as many years as Lord Colchester, not, certainly, so many years as Mr. Speaker Onslow—but that I believe is the only exception to be found. But no previous Speaker has ever filled that Chair for an equal period, when the duties of it were so frequent, constant, and laborious, as they have been during the occupation of it by the right hon. Gentleman. I believe that the number of hours (not saying the number of Sessions or years) which the Speaker has filled that Chair in the performance of his arduous duties are greater than those of the period of Mr Speaker Onslow, although he occupied the Chair for the very long space of thirty-three years. I will now state what have been the precedents for granting pensions to Speakers of this House upon their retiring from the Chair, and I will begin with Mr. Speaker Onslow, for it was not always customary to vote such grants. The pension voted to Mr. Speaker Onslow was 3,000*l.* a year upon his own life, and upon the life of his son, without any limitation as to his appointment to office. That period has passed so long, and the value of money has since so much changed, that what was then 3,000*l.* a-year is a very much larger grant than any which I can venture to propose now. But I have a right to limit the grant by precedents of more recent times. As to Lord Sidmouth, it is known that when he ceased to become the Speaker of the House, he was appointed to the station of Prime Minister, and he afterwards continued to hold many eminent offices. He therefore did not receive any pension as Speaker, but he received a pension as a public servant. There was no reversion granted to his son, as his son was in possession of a very considerable sinecure office. The grant to Lord Colchester was 4,000*l.* a year, and 3,000*l.* a-year to his first successor, and the 4,000*l.* a-year was to be reduced by one half in case of his accepting office under the Crown of an equal value. This was the only limitation in the grant. I have now to propose that the House do grant to the present Speaker a sum of 4,000*l.* a-year for his own life, subject to the same condition that was imposed on the grant to Lord Colchester. I shall also propose the grant of 3,000*l.* a-year to the son of the right hon. Gentleman; but, as the son has a reversion to a sinecure office, I have to propose that when he acquires that office his pension shall cease. This is the limitation to the pension; and the Resolution I now propose is to carry this into effect. Having now stated, as briefly as I could, the precedents and the grounds of the vote, it is not, I hope, necessary for me to say more in order to induce the House to adopt it. I must observe that we are not by any means to consider it a general rule to grant pensions to the Speakers of this House upon their resignation of the Chair. Cases may occur in which it may not be right to do so; but the case of the present Speaker cannot but be considered as one in which it is necessary to do so. I shall now move—"That the sum of 4,000*l.* a-year be granted out of the Consolidated Fund of Great Britain and Ireland, to the right hon. Charles Manners Sutton, and that the grant do take effect the day after the right hon. Gentleman do cease to hold the office of Speaker of the House of Commons, and that it be settled in the most beneficial manner; and that 3,000*l.* a-year be granted out of the Consolidated Fund to be settled in like manner upon and continue during the life of the next heir male of the said right hon. Charles Manners Sutton."

The Chairman put the Resolution, and

Mr. *Hume* rose and said, that he would take the present opportunity of stating that he had invariably found the present Speaker attentive to all applications relative to the duties of his office, and that the attention was accompanied by an amenity of manners extremely grateful to all who had to transact business with him. He now wished to notice what would be of importance to future Parliaments. It was, in his opinion, a novel proceeding to grant pensions to retired Speakers, and he should propose, on some future occasion, a Resolution that would make it certain that other Speakers were not to rely on such a pension. The right hon. Gentleman had been put into the same situation as his predecessor, and it was right that he should be provided for in the same manner, but it should be enacted, that no future Speaker should have any claim to a pension. The situation ought to be a post of honour, and many of the most eminent and most distinguished men would be willing to take the Chair without any pension whatever. He should not oppose the present vote, but enter his protest against any such grants in future.

Sir *Robert Inglis* observed, that almost every Speaker of that House had held some other office together with the Chair of that House, which had been the case from the time of Mr. Onslow, when Gentlemen of large landed property aspired to the Speakership. He could not but bear his humble testimony to the justice of the praises that had been bestowed from both sides of the House upon the right hon. Gentleman. The House had had such a Speaker as they were not likely to have again—a person who combined the most gentlemanly manners with a knowledge of the business of the House that approached almost to instinct. The House would look in vain for another Speaker who should combine in himself so many claims to general respect.

Sir *Charles Wetherell* said, that when the late Lord Colchester received his grant of the pension, he was in possession of an office worth about 1,800*l.* a-year, which he had acquired by services prior to his becoming Speaker. The son of the present Speaker was entitled to the reversion of the office of Register of Wills, and the amount of his receipts would be made up of shillings paid for inspecting wills, and of other petty fees. He should wish in lieu of the reversionary grant to the son, that the pension to the present Speaker should be 5,000*l.* Mr. Abbott (Lord Colchester) held his place of 1,800*l.* upon the Irish List during the whole time of his being Speaker of that House, and he now thought that a more liberal grant ought to be made to the right hon. Gentleman who was about to retire from the Chair. The office to which the right hon. Gentleman had a reversion was a freehold office. In the present case the holder of the office was the only son of a late Archbishop of Canterbury, and he thought that the mere adventitious circumstance of that person being an only son ought not to prejudice the present Speaker of the House. He wished to ask the hon. Member for Middlesex, whether he supposed that, because a commoner wasted his constitution in the service of the House, a proper remuneration should not be made to him? Looking at the pensions granted to preceding Speakers, and to the emoluments they had possessed, he begged to say he did not think it fair that the son of the Speaker should lay down his pension in the event of succeeding to another office.

Lord *Althorp* said, that in any thing he might say he wished it to be known that no man could more highly estimate the talents and merits of the present Speaker than he did. He felt that the hon. and learned Gentleman had placed him in an unpleasant situation, inasmuch as he was compelled to argue the case on a principle of economy: but, looking to the present salary of the Speaker, which was 6,000*l.* a-year, he thought that the proposition to give two-thirds of his salary was just and fair. As to the second point, he must contend that the arrangement by which the son of the Speaker was required to give up his pension in the event of succeeding to a certain office, was a fair one. It was to be considered that the son of the Speaker was also heir to a considerable freehold property. He (the Chancellor of the Exchequer) agreed with the hon. member for Middlesex, that it was not to be made a matter of course that the Speaker in future should have a pension; but it was going too far to say that no Speaker should have a pension.

Mr. *Hunt* expressed his admiration of the conduct of the Speaker. He did this as the only openly avowed Radical in the House. If the noble Lord had moved 5,000*l.* a-year to the Speaker, he should have supported him, but at the same time he thought the sum proposed was liberal. He hoped that future Speakers would adopt what he believed had been the present Speaker's motto, namely, to ride the House with a snaffle rein, and not with a curb.

Sir *Charles Burrell* concurred in all that had fallen from the hon. member for Preston. He did not believe that any Speaker had an opportunity of saving money, and he must condemn the argument of the hon. member for Middlesex as evincing bad economy.

Resolution agreed to, and the House resumed.

TITHES COMPOSITION (IRELAND)—BILL.] Mr. Stanley moved the Order of the Day for the House to resolve itself into a Committee on the Irish Tithes Composition Bill, and that the Speaker then leave the Chair.

Mr. *Ruthven* said, that, at this late period of the Session, and in the state of attendance which the House exhibited, he did not think it was very unreasonable to call upon the right hon. Secretary for Ireland to pause, and to discontinue, at the present moment, the pressure upon the House of carrying through a Bill which was considered in Ireland as peculiarly offensive and oppressive. He did not expect that any argument was likely to have much effect in altering the course of Ministers upon this occasion. They did not know the people for whom they desired to legislate, and they had adopted views ill suited to the exigencies and difficulties of the circumstances connected with the management and better government of Ireland. The situation of the House yesterday, it not then containing forty

Members, precluded the possibility of forwarding this Tithe Bill. The numbers of this day gave no encouragement to do so, unless there was the fixed, irrevocable disposition to enforce, by all the weight and authority of Government, the enactment of a law at total variance with the feelings and interests of the people of Ireland. Their interests were, indeed, deeply concerned, for the security of society, the maintenance of all its relationships, and the tranquillity of the country, were involved in a question not less important than any which had yet been the cause of agitation in it. His hon. friend, the member for Clare (Major Macnamara), had, yesterday, with that firmness and independence which had ever distinguished him, withstood the progress of this miserable Bill. It would be well for Ministers to take advantage of that circumstance, and retrace their steps. Their denunciation of Ireland, and their manifestation of the desire to rule over that country with the iron hand of a despotic sway, were exciting general discontent. Was it becoming—was it consistent with principles of sound policy, and with the cool judgment of reflecting Statesmen—to hurry, in this precipitate manner, with all the impatience of an unseemly irritation, the completion of a law so erroneously described as tending towards the better regulation of the tithe system, and the restoring tranquillity to Ireland? The evidence which had been given upon this subject afforded no foundation for the proposed measure, although no means were left untried to produce such evidence as might have the colourable appearance of propping it up—yet, in this respect, there had been an entire failure; the great error in endeavouring to legislate without reference to the real condition of a country—a spirit of conciliation, combined with firmness, would effect more than the parchment regulations of law, in opposition to the general public mind. If Ireland was happily governed by those estimable qualities of conciliation and firmness which have marked the distinguished career of the hon. person presiding over this House, it would be blessed and happy indeed, and it would be well for Ministers themselves, if they made a just and proper application of the generous, the kind, and conciliating sentiments which had been so recently delivered in that House, and received with so much general satisfaction—if they did not feel such sentiments, let them at least follow such an example, and they would meet their reward in a support from those who would receive the kindness, and repay it with gratitude. This was worthy of their consideration; for although Gentlemen in that House, or in the country might consider the state of Ireland with perfect indifference, and though its difficulties and miseries might not in any respect interfere with their happier hours, and enjoyments of the charms and engagements of life—yet, for those who had the destinies of their country under their control, it was a sacred duty, and it became not them to trifle with even those portions of their fellow-subjects whom they might not view with very partial eyes. Ireland certainly must feel the leading star, the charm of hope—fading, rather than flourishing, with all its flattering seduction. Nor should it be overlooked, that if they pursued an unrelenting pressure upon that country, and withheld the sweet delusive words of hope, it would be impossible to govern it, while a very moderate expression of intention to place the future arrangement of tithe upon a fair and equitable basis, would accomplish what acts of severity and persecution would utterly fail in. Arrears of tithes would then be paid, and the present incumbents would have the prospect of living in peace and harmony among their neighbours and parishioners of all denominations. But this Bill and its application—its severe and threatened persecutions—forbad the exercise of all those reciprocal interchanges of kind sentiments which should be taught and practised by the ministers of religion. His Majesty's Government could not desire to oppress and misgovern Ireland; but it was misled and deceived, and gave a false importance to things really insignificant. Was not this exemplified in the case of Colonel Butler, who had been recently dismissed from the situation of Deputy-lieutenant in the county of Kilkenny? This highly respectable gentleman had attended at a meeting, for the purpose of petitioning Parliament for the abolition of tithes—the extinction of which had been promised by the right hon. Gentleman, the Secretary for Ireland—and for this Mr. Butler was indecently and offensively insulted—not injured, he would say, because the petty, paltry attempt to affront recoiled upon itself, while that gentleman would only acquire a new, as well as a renovated claim upon his countrymen, for all that approbation which unqualified integrity of purpose and of conduct demands, and justly merits. Let Irishmen be true to themselves, and the impotent shafts of angry venom would fall inert upon the ground. Colonel Butler did not stand disgraced—his character was not assailed—while contempt naturally arose at the silly puerile attack upon him. If Deputy-lieutenants were to be placed in the situation of creatures to be disposed of in this manner, contemptible and dispicable truly must their post and nominal rank become. Public offices, particularly unpaid ones, should not be thus degraded, and ultimately confined to those of whom servility of mind and character was the sole recommendation. The office of a Magistrate was only respected when exercised by those men whose acceptance of it and discharge of its duty were a sacrifice of much private comfort and convenience for the advantage of their own neighbourhood; and it was neither respected, nor respectable in the case of too many Irish Magistrates, who had been in the Commission of the Peace, disgracing the country, and annoying the people by the abuse of authority, and by playing the part of low petty tyrants. But Ireland must undergo a great alteration—the Government must reform itself, or the people would be driven back to a reliance upon their own means, and a Repeal of the Union would be sought for by every man possessed of honest Irish feeling. There was a great and growing change in this respect; he felt it in common with his countrymen, and he feared, without a domestic legislature and an Irish Parliament, little expectation could be entertained of improving the condition of Ireland, and of giving a due attention to its local concerns and important interests. There was no other corrective for growing absenteeism — a perpetual wasting of the strength, and an inefficient application of the capabilities of that country. An Irish domestic legislature might better preserve the Union between England and Ireland, than the continuation of a hurried, unmeaning, impatient attention given to Ireland in a Parliament occupied by matters of so much greater concern than the comparatively inferior concerns of Ireland. There was a jealousy—a sort of offensive suspicion of Ireland in too many instances in this country, He did not complain of it. It was natural, and it existed. He had regretted to hear expressions used in that House, accompanied by threats of the power of England, and the reference to civil war. That was not the way to treat Ireland, and it rather tended to incite the indignation than to subdue any irritated feelings that might exist. He had ever recollected this circumstance with deep regret, and what was to be the case now? Why, they were threatened with a tithe war—a combination, indeed, not an illegal one, however, in the language of lawyers, but in the language of common sense, an ill-omened combination of legal, ecclesiastical, and military ingredients. The law, to be sure, had all its accustomed machinery and expense ready to pounce upon the people. There never had been times when a Government, desirous of prosecutions, failed in procuring legal countenance, and that kind of protection it sought for in the opinion of law officers, sanctioning the cases laid before them with due official importance, though often in opposition to all the dictates of common sense and knowledge, and having no other foundation than the absurd speculation of shallow politicians. The page of history, even in the days antecedent to the Commonwealth, proved that. Then the ecclesiastical corps was to be formed—a new corporation, a truly church militant—the ministers of the Gospel forming its staff, with a long list of every tribe that could be enlisted in the service—proctors, constables of all descriptions, informers, and all that kind of gentry which circumstances concurred in allowing the wickedness and infirmities of human nature to avail themselves of. The Bishops might become generals, at least a great proportion of their numbers, as twenty-two episcopal dignitaries could not have much to do with the spiritual affairs of the Church, when their estates were placed under the future superintendence of an improved arrangement. Yet, all this would not do without the last resource—the soldier's bayonet. In that the whole strength of the corporation would consist, leading only to a precarious peace, and probably producing consequences deeply to be deplored. He conjured them not to drive on to the last extremity, a people, from whose persecution no pleasing results could by possibility accrue. He feared the day of bitter regret might arrive too late. He did not impute bad motives to any persons who, under any circumstances, might be intrusted with the Government of this country; for he did not think such persons could be found wicked enough to wish to see Ireland bathed in blood, and the British bayonet plunged into the Irish breast. It was for a Ministry, however, to interpose with mild and pacific counsels between parties in a country over which they ruled; they should not seek to govern by the division of a people, nor should they attempt to delude the people, and deceive themselves by resorting to measures of ephemeral consequence, calculated only for the moment of irritation, and for existing divisions. The right hon. Secretary's Party-processions Bill was a mere tub thrown to the whale, a puny effort to conciliate Catholics by affronting Orangemen, while there was no more real value or efficacy in the measure, than in the attempt to tamper with and please yeomanry, Orangemen and Protestants, by trifling insignificant compliments, of paltry value from the mode of their being conferred. Such a manner of administering the affairs of the country marked a vacillation of purpose, a clinging to the old mode and practice of putting off the evil day, and governing by the weakness of a people, whose unhappy divisions reduced all to one common, civil, and general degradation. All orders of society were deeply interested in the application of the present measure—he knew not the good that was to be hoped for—the misery was obvious, even to the poorest peasants. They were too often forgotten, and their interests not thought of on the present occasion—their privations, their sufferings, their frequently famishing state, and hunger, imperatively called for relief—and this very measure would tend greatly to impede that relief. Hunger—yes, the Irishman often suffered, and in silent quiet submission, that hunger which Englishmen would not bear; which to them would be actually intolerable while the festive boards of their superiors, the higher orders, groaned under the load of the choicest viands and a possession of all the luxuries of the table; but the wretched poor man in Ireland, unprotected and unaided by the law in extending towards him the slightest assistance from the property and wealth of the country, resigned himself to his fate, and submitted to the hopelessness of his situation. Yet poor laws must one day or other be resorted to, and the corn laws themselves were likely to be the objects of new regulations. It appeared to him, looking at the course which Ministers were pursuing, and the nature of the Bills which they had introduced, that Ministers wished to establish in Ireland a real church militant—not a church, the pastors of which would preach and teach peace and good will, but who would act as task masters to goad and oppress the people. The people had peaceably assembled at large meetings, for the purpose of declaring their wrongs; but now it appeared that such meetings were to be denounced as illegal, and the people were to be dispersed and insulted. It was, he repeated, insulting to prevent men, who were smarting under a sense of oppression and injustice, from assembling to speak their minds. The object of Ministers ought to be to conciliate the people; but if they followed up such measures as these, there was not a man in that country, who possessed the honest feelings of an Irishman, that would not call aloud for a Repeal of the Union. There never yet had been given a proper explanation of what Ministers meant when they spoke of the "extinction" of tithes. It was a mere delusion on the people. When they were told that there was to be an "extinction" of tithes, they took the phrase in its obvious meaning, and had no right to expect such a measure as this. He believed that the word was used unadvisedly, and without consideration. The Bill, having for its object the payment of the arrears of tithe, would require other measures to accompany it, before it could be carried into effect; and the consequence would be, a greater separation than ever between the clergy and the people. Ministers could not carry such a measure as that before the House, except they proceeded with an indecent degree of hurry and expedition. A bill thus forced on, would be more like an ordinance of Charles 10th, than a deliberate Act of the British Parliament. When the question of Reform was set on foot, the people of Ireland were actually called on by the friends of Ministers to meet in large numbers, to express their opinions on that subject. No notice was taken of any violent language that was then used. And now, instead of befriending the people of Ireland, Ministers made a crusade against them, with a series of laws of a most oppressive character. It was unfair to Ireland to proceed with this

Bill at so late a period of the Session. There were 600 Members absent, and instead of going on with the measure when the benches were nearly empty, it would have been more proper to direct a call of the House. This question involved the whole state of Ireland, and the reciprocal feeling of amity which ought to subsist between the two countries. It was far more important to Ireland than the Reform Bill, because it was intimately connected with the security of property and the internal peace of that country. He protested against proceeding with the Bill in the then state of the House, and recommended the House to proceed to the other Orders of the Day.

The Speaker put the question, and the House resolved itself into Committee.

The Preamble to be postponed.

On the first Clause being read.

Mr. *Wallace* said, he had endeavoured, at a former stage of the Bill, to show that this Bill was anything but what the people of Ireland had been taught to expect, that it was unjust in its principle, and would be productive of consequences the most mischievous, instead of tending to restore content or tranquillity in Ireland. It was his intention, with a view of showing what the Bill ought to have for its object, to introduce as an amendment that passage of the first Report of the Commons' Committee, in which they expressly declared that "an extensive change in the present system of providing for the ministers of the Established Church in Ireland ought to take place and that such change, in order to be satisfactory and secure, should involve a complete extinction of tithes, both lay and ecclesiastical, by commuting them for a charge on land, or a permanent investment in land. If the Ministers really wished in this Bill to adopt the opinion of their own Select Committee, and give substantial relief according to its advice, there could be no imaginable objection to adopting such an amendment as stating the scope and object of the Bill. He certainly, however, had no hope that the right hon'. Secretary for Ireland would adopt the amendment, for, as the Bill stood, it was quite inconsistent with it.

Mr. *Stanley* said, that the preamble having been already postponed, the insertion of such an Amendment was inadmissible, for to introduce it into the enacting clause would render it absurd and unintelligible, and he did not think it was necessary for him to state then the other grounds on which he would oppose the introduction of the words.

On the Chairman also observing that the preamble having been postponed, the amendment could not for the present be proposed with reference to that,

Mr. *Wallace* said, that he would, therefore, for the present, withdraw this Amendment, and would propose one to be inserted in lieu of the first enacting clause of the Bill, which goes to enact that all future compositions to be had under the tithe Composition Act now in force, and which are enumerated in the preamble of the Bill, should be calculated on the average of the seven years preceding the 1st November, 1830. The object of this Amendment would have reference to a mode by which, instead of unjustly throwing the burthen of tithes from the occupiers of the land, who, oppressive as it might be to them, were the only persons who, by the principles and enactments of every tithe law, were liable to tithe—upon the landlords, who were never yet held to be chargeable with tithe in any form. It was to show that in lieu of tithes, which ought to be extinguished, absolutely and totally, the provision for the Church should be sought for in a fund provided either by a tax on property generally or by a tax on land calculated, not upon any tithe calculation or tithe principle, but on the abstract value of the land. If it were to be a tax on the land, then that the burthen should be placed not on one class of landlords only, but on all who had any interest in the land, from the owner of the fee down to the occupying tenant. The hon. Member concluded by proposing his Amendment, which was in substance, "that from and after the passing of this Act, all the Tithe Composition Acts enumerated in the preamble should be repealed—and that, with a view to a commutation, commissioners to be appointed under that Act should make a valuation of the whole of the land of Ireland, fo the purpose of forming a sufficient fund for the support of the ministers of the Established Church, and to make compensation to the lay impropriators of tithes in Ireland."

Mr. *Leader* was bound to support every amendment calculated to insure the tithe composition being fairly laid on, and the parishes assessed according to their fair value. This composition was intended to be fixed, permanent, and compulsory; and every Member connected with Ireland was bound to take care that the system of valuation was the best, and that every arrangement was suited to meet the searching eye of the most scrutinizing observer: the changing a voluntary agreement for a temporary composition into a permanent one, without the consent of parties, and the compelling parishes, which never before compounded, to enter into composition, were certainly severe measures; but if the House was determined on adopting them, there ought at least to be no objection to the mode of valuation, or to the persons selected for the purpose of ascertaining the amount. He regretted that every effort on the part of the Irish Representatives to improve the present Bill was met with the insinuation, that it was intended to destroy the present provision of the Church, without compensation, or an adequate substitute. It neither was, nor could be denied, that the Bill would have the effect of placing the incumbents of the Protestant Church as mortgagees in possession, with extraordinary powers against persons not heretofore liable, and with powers over the land, and occupiers of the soil, which were never before authorized or allowed; and there appeared no consideration for subjecting the landlords next to the occupier to those new penalties, but the miserable premium of fifteen per cent on the collection. The Representatives for Ireland had declared that tithe was a great grievance, and that its abolition would be a blessing; indeed, the greatest that could be conferred on their country: and in proposing the land and property of the country as security for an equivalent in lieu of tithe, they evinced no disposition to benefit themselves at the expense of the Church. In place of tithe composition, the Land-tax which was proposed did not violate a single principle of just taxation. It was not oppressive to the contributor, nor uncomfortable to the receiver—it was a tax which could not degrade, and could not paralyze, the exertions of the profession it was intended to uphold. If the composition were now to be fixed permanently, and to be made compulsory in parishes which had not yet agreed, would the public be ever satisfied that the arrangement of that complicated transaction should be left to one Commissioner to be appointed by the Lord Lieutenant, without an appeal to any tribunal but to the Privy Council, of which the Lord Lieutenant was the President, and some of the members of which had a deep interest in Church property. The assessment, probably, of 700,000*l.* per annum for ever, on 2,400 parishes, was a measure of a most important nature, and requiring a greater degree of skill, experience, and judgment, than was likely to be possessed by any individual. He objected, therefore, to the foundation of the composition —namely, the sums paid, or agreed to be paid, for the seven successive years preceding 1831. He objected to the valuation being made by a single Commissioner appointed by the Lord Lieutenant, and to the appeal to the Privy Council. As to the liability of the landlords next to the occupier, he was satisfied that if the rector or incumbent did not come in connexion by his proctor, he would, eventually, by his Chancery receiver; and tithes and rent would be frequently lost by the combination, and that the amount of the law-costs of the incumbent would often exceed the tithe; and that, although the clergyman might not gain, the landlord might be involved in the deepest and most severe distress. As for the Members of Ireland, when they saw the measure forced on their country by a majority of English Members, it was not for them to expect that their suggestions would receive the smallest consideration; and they could only express their disapprobation by divisions on those clauses of the Bill, which were calculated to arouse the indignation and resentment even of those who were favourable to a just settlement of the rights of the Church, and devotedly attached to the best interests of their country.

Mr. *Wyse* concurred in the Amendment, and in the grounds stated in support of it. If the House should adopt a Bill so teeming with errors as that under consideration, it would pursue a most fatal course. It was most desirable that, when they were about to collect a fund, such as every civilized state ought to provide for the religious and moral education of the people, they should proceed upon sure grounds. It was not with a view to curtail the amount of this fund that he supported the Amendment of the hon. Member; but because the Bill, as it stood threw the burthen on persons who ought not to bear it, and also because it did not fairly apportion that burthen. By an examination of the tithe composition returns, and by inquiries of a personal nature, he had ascertained that there was the utmost inequality in the collection of tithes. In parishes where neither party had proceeded with a desire to overreach the other, and where both had acted with a desire to come to a fair and just arrangement, his observations would not apply, but in many parishes they would. On the occasion of election difficulties, landlords had been in the habit of taking a promissory note from their tenants, for no other purpose than that of holding it over them as a rod. The Church had acted in a similar manner. In places where the tithes had been placed at a high value, the clergyman had said, "I will not exact from you the immediate payment of my demand, but will take your promissory note for it." That had been given; and afterwards, when offended, he had brought these promissory notes into the Court, and enforced them against the tithe-payer. If, therefore, instead of taking for their criterion what had been paid, or what the value of the land would admit of being paid, the House were to take what was payable, it would have to take these very promissory notes, granted under peculiar circumstances, and which were often for sums double and treble the value of the tithes. This was not to be a temporary measure, which might be altered in the next Session, but an arrangement to last for ever. This had made it the duty of the Irish Members to press upon the House the fact that the basis proposed by the Bill was fallacious. It had been said that Ireland had been fortunate in never having had to pay the full amount of tithe; but no country of Europe had ever paid a full tenth. In the most palmy and flourishing times of Papal ascendancy, it never was paid, and never even claimed. It might be said that an equal Land-tax would work injustice to individuals possessing property tithe-free. Undoubtedly there were portions of the country tithe-free, owing to the tithes having, by donation in early times, been bestowed upon the landlords, and, undoubtedly, this was as much a right of property as impropriations, and ought to be placed upon the same footing. He was sure that his hon. friend did not intend to impose a Land-tax upon such portions of the country as were tithe-free, without compensation. The Land-tax might be levied upon tithe-free land as well as upon any other, paying the landlord the value of his exemption from tithes. No doubt the making a valuation of the lands, if carried on like the Ordnance survey, would occupy a long time; but it might be rapidly made, if a sufficient number of persons were employed in each county, or they might employ the machinery which was employed in collecting the property tax in this country. Some advantages would accrue from this plan to the Protestant clergy. This Bill would still leave the clergyman in collision with the people. In Ireland, there were leases which ran for sixty or seventy years, so that one part of the Bill would not come into operation for a very long period. Till the end of that period, the clergyman must still have recourse to the tenant, and not to the landlord; and all must allow that there would not be greater ease in levying distresses upon tenants, at any future period, than now. The same collisions would take place. The way to avoid those collisions was, to exempt the clergyman from the necessity of having recourse to the tithe-proctor, and let him be paid by the Treasury. He would then have a certainty; there would be no arrears; none of the numberless disasters to which he, personally, must be subject, if he, being of a different religion from those who pay the tithes, have to collect them himself. Why was it that Ireland alone, of all the countries of Europe, adhered to this old, obsolete, disgraceful, and injurious system of taxation? There was scarcely a country in Europe which had not been obliged to commute tithes; and one of the most recent instances of a forced commutation had occurred in South America. The tithes were not paid, and the Government was called upon to change the mode in which the clergy were remunerated. It accordingly abolished tithes, and imposed a general Land-tax, to be paid into the hands of a Board of lay Commissioners, who afterwards distributed it according to a regular scale, by which a certain portion went to the dignitaries, and a certain other portion to the parochial clergy. No doubt some of the dignitaries had lost by this arrangement; the Archbishop of Caracas had had his income reduced from 70,000 to 5,000 crowns; but the condition of the poor clergy had been improved. He would suggest, that the present incumbents in Ireland should be paid the amount of their claims in full during their lives;

but that, on their decease, if there was no Protestant in their parish, let no priests be appointed in their stead. Such a diminution of the Church Establishment would surely meet with the assent of every reasonable Protestant. As incumbents died off, the fund would have a surplus which might be applied to other portions of the Ecclesiastical Establishment, to education, or some other purposes of the Protestant community. It ought not to go into the coffers of the State, and least of all into the pockets of the landlords. As a landlord of Ireland, he had never contemplated any increase of his income, any base advantage to be gained by the proprietors of Ireland from opposition to this Bill, but had only looked to the general interests of the country. He should give his earnest support to the Amendment, for the Ministers knew not what would be the effect of the present Bill. Ireland was turbulent and agitated; but day after day fuel was added to the flame, by new legislation aggravating the evils of the old. Bills were hurried through the House at the close of a Session, on which the destiny of millions depended, without the feelings of Ireland being consulted, or the voice of her Representatives listened to. There was not an Irish Member in the House who would not be willing to give the Protestant clergy temporary relief, if a sincere and earnest desire were manifested on the part of this House to reform the Church of Ireland. Let his Majesty's Ministers say that they would govern the people of Ireland according to their wants and wishes, and they would find in Irish Members their most strenuous supporters.

Mr. *Shaw* wished to make one single remark. Hon. Gentlemen were not offering this Bill *bonâ fide* opposition, but were practising delay, in order to leave Ireland in its present unsettled state. He could not sit silent, and hear the clergy of the Church of Ireland accused of exaction and oppression, of which he believed them to be guiltless. He had been surprised to hear the hon. member for Kilkenny, who was well informed upon such subjects, say that the average of what was received by the clergy in the seven years preceding 1830, was more than they ought to receive, when he must have known, that so far from having received that to which they were entitled—a tenth of the whole produce—they had not received a thirtieth of the rental, and that the tithes, even including the lay impropriations, could not have amounted to a twentieth of the rental. The hon. member for Kilkenny said, that it was oppression which had produced the opposition to tithe; but the hon. member for Tipperary said that it was the amount of the tithe; but they both well knew that it was the tithe itself that was objected to, and that the present agitation had been produced by the priesthood and the agitators. Many of the Irish clergy were now begging their bread; many had shut up their houses, and fled for refuge where they could find it; and all were in the greatest state of anxiety and alarm. Their distress was an important reason for proceeding with this measure; but much as he sympathized with them, there was a still greater reason for proceeding with it—the necessity of vindicating the law. Trampled upon as that was by brute force, it was high time to bring to issue the question, whether the law was or was not to be supreme in Ireland. They ought to know whether they were to live under a system of law, or under a system of organized opposition to law—whether they were to have a regular Government, or were to live under the dominion of a lawless multitude; for such was now the state of Ireland. Even within a few miles of Dublin, a lay impropriator was lately obliged to have his grass cut with fire-arms at hand, and a regular guard of armed men to protect the mowers. It was important for them to know whether they were to be bound by the laws of civilization, or whether they were to consider those laws as abrogated. The Government might be deceivers, or deceived; but the question must be decided, whether those who were attached to law—who wished to live under a regular Government, enjoying rational freedom, were to do so, or whether they must give up the hope, dispose of their property, and fly elsewhere for safety; or, a worse alternative still, whether they were to consider society dissolved, and each man was to be obliged to enter into a desperate and bloody conflict for the security of his life and property. God forbid that they should ever see such a conflict in Ireland! but he feared it was coming.

Mr. *Walker* had said, that the clergy had been extortionate; and as often as he heard it denied, he would repeat the assertion. It was extraordinary how any man, who had read the evidence in the tithe reports, could fail to see that the present opposition to tithes had been the fault of the clergy, not merely of this generation, but of past generations. It had been said that tithes were not paid by the tenant; but this very Bill, as must be seen by every person of sense, did no more than employ the landlord to collect the tithe from the tenant. If the tenant ultimately paid the money, of what consequence was it who paid it to the Church? To be sure, if the state of Ireland were such that the landlord could not get his tithe from the tenant in the shape of rent, it was really the landlord who paid the tithe. Suppose, for instance, that a landlord now got a rent of 20*l.* from a farm, and that the tenant paid 5*l.* to the clergyman, it was clear that the value of the estate was 25*l.*, 20*l.* of which the landlord obtained; but if the landlord paid 5*l.* to the clergyman out of his pocket, and the tenant would not pay an additional 5*l.* for rent, it was clear the estate was worth only 20*l.*, and the landlord had only 15*l.* to spend. The object of the Irish Members was the same as that of the Government—namely, that the clergy should obtain payment; but they wanted that two estates of equal value should pay the same sum towards the tithe-fund. By the Bill, however, because one estate happened to be laid down in grass, it was to escape for ever on a payment of 4*d.* per acre; whilst another estate which grew corn was to be saddled for ever with a charge of 4*s.*, 5*s.*, 6*s.*, and, in some instances, 10*s.* per acre. It was unjust towards one description of landlord, and too favourable to another.

Sir *Henry Willoughby* could not conceive anything more desirable than that tithes, which were a charge upon agriculture, heavy in proportion to the enterprise of the agriculturist, should be turned into a rent-charge, distinct and fixed. Were that done, a country so formed for agriculture as Ireland would speedily show symptoms of more extended cultivation. A charge had been made against the clergy, of having exacted too much in Ireland. No doubt, among so large a body of men, individuals who might have exacted overmuch were to be found; but surely Gentlemen from Ireland would not infer a general rule from one or two particular cases? He had been surprised at hearing the charge; for if there were one point better established than another upon the evidence, it was, that tithes had been rated in Ireland so low, that it was hardly possible to conceive how the charge could have been brought. In Leinster, Munster, and Connaught, the value of the tithe did not exceed one-twentieth of the rental, and in Ulster the case was much the same. A Catholic witness, not very favourable to the Church, admitted that his tithe amounted to only 1*s.* in the pound. As this was only one-fortieth of the value of the produce, it was clear—and to this point he wished to direct the attention of the hon. and learned member for Louth—that the clergy of Ireland did not receive the fourth part of the real value of their tithes. He put it to the hon. and learned member for Louth, who, when the tithe discussion originated, showed so much research into the records of ancient times, to say whether the whole evidence did not prove that the clergy of Ireland did not receive one-fourth of the tenth? Tithe was an existing species of property almost reduced to destruction by illegal combinations of the very worst description. He would remind Irish landlords, that if a combination against the payment of tithes was successful, a combination against the payment of rent must and would speedily follow. There was evidence enough to warrant this assumption. In Galway, before any refusal to pay tithes took place, there was a combination against the payment of rent. Mr. Mahoney's evidence disclosed some most important facts on this subject. He trusted that the landlords of Ireland would not oppose a measure that would be beneficial to the whole country.

Mr. *Wallace* said, he believed his hon. friend, the member for Dublin (Mr. Shaw), did not distinctly understand the question on which the Debate was proceeding. There was no question about the actual state of Ireland. It was admitted on all hands that there was discontent, and such a degree of discontent as might eventually endanger property, and life itself, if some measures were not adopted to put an end to this dangerous and most alarming state of things. The question at issue between the Ministers of the Crown, and the Members at his side of the House simply was, whether the present Bill—enforcing, and perpetuating the tithe system—the composition tithe system—or a measure totally altering and extinguishing tithes in name and substance, and substituting some other mode of supporting the established clergy—was the better mode of restoring peace and contentment to the country. That Ministers had no other plan than this Bill in contemplation to quiet the country was evident; for if they had, this was surely the time to introduce it. Could this measure satisfy, would it content any body? Was there a Member of that House who entertained the smallest degree of doubt, that tithes, composition tithes, were a great cause of all the discontent, disturbance, and outrage which distracted the country? If so, could this composition Bill—for such, and such only, it was, tend to remedy a state of things which tithes only had created? Could such a measure be carried into effect? Or would not the peace of the country be better preserved—content and safety be more effectually secured, by the total extinction of the cause of those evils — the entire abolition of tithe as a maintenance for the Church, and substituting in its place a provision of another kind, payable from another, but an equally full, and much more secure fund? Would it lessen the evils of Ireland, that to the discontent of the occupiers of land, the present tithe payers, the landlords of whom they hold, should also be added? He opposed the measure relied on by the Ministers, as their sole remedy for the admitted evils, because it must tend infinitely to increase the mischiefs which the hon. member for Dublin so pathetically deplored. But let the annual sum of 500,000*l.* be collected for the clergy in any other way than tithe, whether by a tax on the occupier or landlord, and the consequence would be a speedy restoration of tranquillity to the country. It was probably true, that to raise this sum by a Land-tax different from that proposed, and on a principle bearing equally and fairly on all, and to which all ought to be liable, might require some, perhaps considerable time, and to apportion it properly might be a task of some difficulty; but the temporary difficulty of doing what was at once expedient and just ought never to stand in the way of so momentous an object.

Mr. *Walker* must say, that the Irish laity were made the victims of a deception practised on the English, who he was certain would never agree to inflict this injustice on their Irish brethren.

The Committee divided upon the Amendment: Ayes 8; Noes 60—Majority 52. Clause agreed to.

List of the AYES.

Hunt, H.	Sheil, R. L.
Leader, N. P.	Walker, C. A.
Macnamara, W. N.	White, H.
Ruthven, E. S.	Wyse, T.

In Clause 3rd, Mr. Stanley moved an Amendment, leaving out the part which made the consent of the patron of any living not necessary for the composition.

Amendment agreed to.

On the 4th Clause being read by the Chairman,

Mr. *Stanley* said, it was his intention to introduce a change in the original form of the Bill, so far as to render it optional on the part of the Lord Lieutenant to send down a Commissioner to superintend the arrangement of the composition of the tithe, so that in those cases only would a Commissioner be sent down where an opposition was made to the composition, and that it was necessary to have recourse to the compulsory powers of the Bill.

Sir *John Bourke* said, he had the strongest objection to the alteration made in this Bill as to the number of Commissioners employed to determine the composition. In the former Tithe Composition Act, three Commissioners were required for that purpose; by this Act there was but one required. He said that, to meet this objection, and others which he had to the compulsory part of the Bill, he found it his duty to move, that the part of the Bill from the second page to the fourth, which referred to and contained the whole of the compulsory part of the Bill, should be left out.

Mr. *Sheil* thought, that the change now introduced was a departure from the whole principle of the former composition system, and the original machinery of the Commissioners, without any proper reason for the change being assigned.

Mr. *Wallace* said, it was extremely objectionable that one Commissioner should have such an arbitrary power as was given by this Bill. He should support the Amendment.

Mr. *Crampton* defended the Bill, because it left the parishes at liberty to have the question settled, either by a Commissioner sent down by the Lord Lieutenant, or by the old plan, through the medium of two Commissioners and an umpire. In addition to this option, there was a provision in the Bill that an appeal lay from the decision of the single Commissioner to the Lord Lieutenant in Council, which he hoped would obviate most of the objections urged against giving, by this Bill, powers too arbitrary and extensive to the single Commissioner.

The Committee divided on the Amendment: Ayes 10; Noes 57—Majority 47.

List of the AYES.

Bourke, Sir J. Bart.
French, A.
Leader, N. P.
M'Namara, W. N.
Ruthven, E. S.
Sheil, R. L.
White, —
Wallace, T.
Walker, C. A.
Wyse, T.

TELLER.
Hunt, H.

On the Clause being put,

Mr. *Sheil* said, that the provisions of the present clause, which went to take away the right of the tithe-payers of a parish to appoint their own arbitrator, enjoyed by them under the Tithe Composition Act, would be felt to be arbitrary and injurious. The clause made the decisions of the Commissioner appointed by the Lord Lieutenant peremptorily final, and so far, must be productive of justly-founded dissatisfaction.

Mr. *Stanley* could not deny the force of the learned Gentleman's objection, and would therefore assent to placing the clause on its original footing—namely, that the Lord Lieutenant's Commissioner's decision should not be given for three months, and even not then, unless required by the parishioners.

Mr. *Sheil* said, that an Amendment to that effect would, in a great degree, remove his objections to the clause as it stood.

Amendment of Mr. Stanley agreed to—Clause agreed to.

On the next Clause being read,

Major *M'Namara* said, the right hon. Gentleman might make alterations if he pleased, and the House might pass the Bill if it pleased, but he could tell them, that the people of Ireland were resolved not to pay tithes, no matter under what pretext or modification. They felt them to be a grievous tax upon the industry of the country, the more obnoxious, as it was levied by the enormously richly-endowed Church of the comparative few Protestants upon a people professing another religion. Ministers might dismiss his hon. and gallant friend, Colonel Butler, from the Deputy-lieutenancy of Kilkenny, merely for presiding over a peaceable meeting of his fellow-countrymen, whose object was to petition the Legislature against this monstrous tax; but that act of ill-judged severity would not for a moment prevent the gentlemen of Ireland from joining the people in their cry for its abolition. For his own part he would to-morrow act as Colonel Butler had acted, even though Ministers should visit his conduct by erasing his name from the list of Magistrates.

Several Clauses of the Bill were agreed to with verbal Amendments.

The House resumed—The Committee to sit again.

HOUSE OF LORDS,

Thursday, August 2, 1832.

MINUTES.] Bills. Read a first time:—Bills of Exchange:—Read a second time; Coal Meters (Dublin); Admission of Freemen (Ireland); Sewers.—Read a third time:—Boundaries (Ireland); Post Roads (Ireland); Customs; Charitable Institutions (Ireland).

BOUNDARIES' (IRELAND) BILL.] The Boundaries' (Ireland) Bill was, on the Motion of the Duke of Richmond, read a third time.

The *Duke of Richmond*, on moving that the Bill do pass, observed, that, after the compliments which had been paid to the Commissioners of Boundaries for England and Scotland, for the exemplary manner in which they had performed their duties, it would be unjust to withhold a similar compliment from the Commissioners of Irish Boundaries. They had performed their duties in the fairest and most exemplary manner, and were entitled to the thanks of the public for the manner in which they had executed the trust confided to them.

ABOLITION OF CHANCERY SINECURES.] The *Lord Chancellor* rose to call their Lordships' attention to the subject of the Bills which he had given notice of his intention to introduce, on the subject of Reforms in the Court of Chancery. He had before stated to their Lordships, that he had some hopes that he should have been able to bring these Reforms before their Lordships in a Bill involving the whole in one measure; and, at that time, he did fully expect that he should have been enabled to do so. He found, however, that there were some clauses relative to the plan for the creation of an appellate jurisdiction which it would be necessary to introduce in as mature a shape as possible, but which he could not get ready in time to bring forward with any chance that they would pass both Houses within the short period of the present Session that still remained. But although he could not bring forward the whole of the measure with any chance of having it passed this Session, yet there was one part of it which he was anxious now to bring forward—namely, that part which provided for the abolition of certain sinecure offices in the Court of Chancery; and he would take this opportunity of bringing it forward as a separate bill, since he could not bring forward the whole together. That portion of the measure might perfectly well be passed as a separate bill, even within the few days of the Session that still remained; and as this was possible, he was anxious that this part of the measure at least should no longer be delayed. The offices which it was proposed to abolish were those which particularly came under the description of the patronage of the Lord Chancellor, and the abolition of these might be effected by a separate bill, which might, without difficulty, receive the assent of Parliament within the short period of the present Session. There was one point, however, connected with the extinction of these offices to which it was fitting that he should call their Lordships' attention. These offices, although they were called sinecures, and, in a great measure, were so, yet were not entirely sinecures, and, therefore, on their extinction, it would be necessary to consider how the duties which had attached to them were to be performed, by whom they should be performed, and on whom the responsibility should rest. There were six or seven of these offices, and the duties attached to them, however limited, were of great importance; and it was, therefore, of great importance that, on their abolition, care should be taken that provision should be made for the proper discharge of the duties, and to have proper persons to be responsible for the due performance of these duties. First, then, it was proposed, that from henceforth these offices should be abolished; but then, in order to give time, before the actual extinction of the offices, for making the necessary provision for the discharge of the duties, it was proposed to fix the time for their actual extinction, about the middle of the next Session—say the 15th of April, or the 1st of May—by which time it might reasonably be expected that the other parts of the measure might be passed, and the proper provisions be made for the discharge of the duties which had attached to the abolished offices. The offices to which he particularly alluded were those of the Clerk of the Hanaper, the Clerk of the Subpœna Office, the Registrar of Affidavits, the Clerk of the Crown in Chancery, the Clerk of the Patents, and the Clerk of the Custos. The duties of these offices were executed by deputies, and, therefore, they might be now easily abolished by a separate bill, while the duties should continue to be discharged as at present, until provision should be made, at a future period, for the performance of these duties in another manner. The object at present was, now and without delay, to make it a law of the land, that the offices should cease and be entirely abolished, except as far as might regard the vested interests of living persons, by the 15th of April or the 1st of May next. The effect of the passing of this Bill now would be, that these sinecure offices would cease to exist; and after this, or after the existing interests should have expired, the places could no longer be filled up, and no person could afterwards hold any of them. But as some or several of these offices had been granted for services performed by the grantees, or by the persons who had the patronage and the power and the right to grant them, it might not be expedient nor consistent with an enlarged view of the public interest, nor consistent with justice to the individuals, that these vested interests should be touched. It was proposed, therefore, to add to the enactment for the extinction of these offices, on or before the 15th of April, or the 1st of May next, that this should not affect the vested life interests in any of the offices granted on or before the 1st of June last. Whether afterwards Parliament should think fit to abolish these offices also, and give a suitable compensation to the persons holding them, or whether they allowed them to be held as before until these rights should become extinct in the course of nature, would be for Parliament to consider at a future period. The object at present was to have it passed into a law, that one way or other these offices should be extinguished with the lives of the present holders. But their Lordships would please to observe, that this reservation of the life interest would not apply to any of the offices to which he had been called upon to appoint.

All those offices to which he had appointed would be abolished entirely on the 15th of April, or the first of May, without any reference to the life interest of the holders. Having thus stated, with sufficient distinctness, as he trusted, his view in bringing forward this Bill as a separate measure to be passed in the present Session, it did not appear to him that he need enlarge further on the subject at present. He would only again state, what he had stated on a former occasion, that these patronage offices belonged to him as Lord Chancellor, and that he had as undoubted a right to retain them as he had to the emoluments of his office arising from fees or from salary, and that he had a perfect right to do with them whatever he pleased. But that was a right and a privilege of which he never had any intention to avail himself. This was well known to his noble friend at the head of the Administration, with whom he had communicated on the subject immediately on the death of Mr. Scott; and to his noble friend the Secretary for the Home Department, and to an hon. friend of his in the other House, with whom he communicated on the subject within two days from the period of Mr. Scott's death. Such had always been his views on this subject, and such were his views now, and the melancholy event to which he alluded had no other effect on his purposes except in altering, in some degree, the mode in which he thought it most expedient to carry his object into effect. It was proposed that vested interests were to be preserved, or that compensation was to be given in case the offices should be abolished before the vested life interests should be extinguished by death, in the manner which he had stated, but without any reservation of this kind in favour of those who had been appointed, or might be appointed by him. He gave them only to those in whom he had the mose perfect confidence that they would set up no claim on account of vested interests. In the mean time, he brought in this Bill as a separate measure, merely abolishing the offices, leaving the rest of the measure to stand over till the next Session. He moved, that this Bill be read a first time.

The Duke of *Wellington* was perfectly willing to allow that this proceeding showed great disinterestedness on the part of the noble and learned Lord. Still he could not help thinking that it would have been better that this part of the measure had been deferred till the noble and learned Lord could bring forward the whole together. Such, it appeared, had been at one time the noble and learned Lord's original intention; and it would seem that the noble and learned Lord had altered that intention, and brought in this Bill as a separate measure, in consequence of a discussion which had taken place in the other House. That appeared to be the reason for the noble and learned Lord's bringing forward this Bill now, rather than a regard solely to the public interest. But their Lordships ought to look to the public interest only, and not to discussions in the other House, and it might have been better if the discussions there on this subject had not taken place. But, at all events, their Lordships ought to act on their own views of the public interests, and not to be guided by any discussion relative to private interests in the other House, or anywhere else. Now, in this instance, the noble and learned Lord himself admitted that it was impossible to abolish these offices at the present moment; and why, therefore, not allow this separate measure to stand over till the whole should be brought forward together? The anxiety of the noble and learned Lord seemed to be, to remove from himself the imputation, that he intended to retain these offices. But that imputation applied only to one of the offices; and, on the whole, he thought that their Lordships ought not to legislate on the ground of any such imputation, and that they ought solely to look to the public interest in their proceedings. He would, therefore, suggest to the noble and learned Lord, that it might be better to postpone the consideration of the subject of the present Bill till the whole measure should be brought before them.

The *Lord Chancellor* said, if he had rested the bringing forward the present Bill as a separate measure on the ground which the noble Duke had mentioned, then there certainly would have been something in the argument of the noble Duke for postponing the consideration of the subject of the present Bill. It would have been so, certainly, if the measure had been brought forward merely from motives personal to himself. But that was not the case. It had long been his serious opinion—and that opinion he had, on various occasions, stated and most strenuously supported in this, and in the other House of Parliament—that these offices ought to be abolished. He had always laid it down as a principle—and a most important principle—that the Lord Chancellor ought not to be remunerated by means of these patronage offices, nor by fees. That was a principle which he had always laid down as one which ought to be acted on. He had always held that the Lord Chancellor ought not to be remunerated in this manner, and that these offices ought to be abolished, and his opinion on that subject was well known. As to the observation of the noble Duke, that the imputation and the discussion in the other House applied only to one or two of the offices, that was really of no consequence. It was sufficient for him that the principle applied to all; and, looking only to the public interests, his object was, that when once the offices became vacant, no man should have the power to fill them up. Suppose this Bill was allowed to stand over till next Session, and a vacancy should occur, and a Member of this House, or any other person, should be appointed, he might set up his vested interest against the abolition. To be sure he had filled up a vacancy in such a manner that no such plea of vested interest would be set up, and he might take care that no one should be appointed who would set up any such plea. But, then, suppose he should not be in office when a vacancy occurred, he could not answer for what his successor would do. That successor might fill up the office as he pleased, and without any stipulations against setting up the vested interests in opposition to the abolition. By the passing this Bill now, therefore, the public would gain this immediately—that the offices, with the reservations which he had before mentioned, should be henceforward abolished, and should cease to exist, and that no man should have the power to fill up vacancies. He did not mean to say, that the pecuniary saving to the public would be any very great matter; but the great gain to the public would be, that this species of remuneration to the Chancellor—which was a most unbecoming one—would be abolished. It was a species of remuneration to a Lord Chancellor which was utterly unsuited to the nature of the service performed, and it did, therefore, greatly concern the public that this species of remuneration should be abolished without delay. This was the ground of his proceeding, and not any personal motive. It had long been his opinion, and was well known to be so, as he had taken every proper opportunity of expressing that opinion, that these offices ought to be abolished. The present was the best opportunity for carrying that abolition into effect; and, therefore, he now proposed to their Lordships to pass this Bill without delay. He repeated that the offices were his own, and that he had a right to do with them whatever he pleased on a vacancy occurring, while he held the office of Lord Chancellor. He did not think that he would have done anything which ought injuriously to affect his public character, although he had retained them. It was not, therefore, from any personal motive that he proposed to abolish them. But he had always been of opinion that, on principle, they ought to be abolished; and therefore proposed that they should be abolished at the first convenient opportunity. He thanked the noble Duke for what he had been pleased to say about his disinterestedness, but he acted on principle, without reference to himself personally, either one way or the other.

The Marquess of *Westmeath* asked the noble Lord, whether it was part of his general measure to alter the mode of taking evidence in the Court of Chancery, and to substitute oral testimony for written depositions or affidavits? Was it part of the noble and learned Lord's system to abolish the taking of evidence by affidavits, and substituting oral testimony? He understood the noble and learned Lord to have given an opinion to that effect.

The *Lord Chancellor* stated, in reply, that the subject of evidence in the Court of Chancery certainly did form part of his general system, and he proposed to make some alterations in the present system; but he was not prepared to say, that the method of taking evidence by affidavits ought to be abolished altogether, and the noble Marquess was much mistaken if he thought that any opinion ever given by him (the Lord Chancellor) went to the extent of wholly abolishing evidence by affidavits, in the Court of Chancery.

Bill read a first time.

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HOUSE OF COMMONS,

Thursday, August 2, 1832.

MINUTES.] Bills. Read a first time: — Speaker's Annuity.—Read a second time:—Army Half Pay; Audit of Accounts (Ireland).

Petitions presented. By Mr. EDWARD LYTTON BULWER, from the National Political Union, against the Privileges of Parliament Bill; and from the Booksellers and Publishers of London, for Postponing the Aberdeen College Bill, and from Heydon, and other Places, against the Existing System of Poor Laws.—By Mr. SHEIL, from fourteen Places in Ireland, against Tithes and Church Cess; from Leitrim, against the Punishment of Death; and from Dublin, against making Dissection part of the Punishment for Murder; from Galway, for retaining its peculiar

Franchise.—By Mr. HUME, from several Places in Ireland, against Tithes.—By Mr. WILKS, from the Society of Clickers, for Amending the Friendly Societies Act.

SUPPRESSION OF PUBLIC MEETINGS (IRELAND).] Mr. *Callaghan* presented a Petition from the Working Classes of Cork, which stated, that, in consequence of the distress which they laboured under, in common with the whole country, they were led to think that the best way in which that distress could possibly be relieved was, by encouraging manufactures throughout Ireland. These petitioners stated, that they had, accordingly, proceeded to attend a meeting having for its sole object the consideration of this important matter, but that they found the whole garrison had been assembled. The result was, that the military had interfered, and the meeting was prevented. They stated further, that, in consequence of the peaceable demeanour of the people, no riots occurred—the meeting was dispersed, though they had assembled for no political purpose whatever. "I think," said Mr. Callaghan, "that no difference of opinion can exist as to the impropriety of calling in military assistance upon such occasions, and that while such a system is pursued, we cannot be said to be living under a free Constitution; and I trust, that his Majesty's Government will not, because other meetings have been held on the subject of the abolition of tithes, which they have termed illegal, pursue this system of military interference with the people."

Mr. *Sheil* said, he had been requested to support the prayer of the petition, which he most willingly did. He had already presented a petition to the same purport from St. Mary Shandon, and he had only to say, that he fully coincided in the opinion which had been so well and so ably expressed by his hon. friend, the member for Cork.

Mr. *Crampton* would not, at present, pronounce any opinion upon the matter then referred to, because it would perhaps be the subject of legal inquiry. But, if the facts stated in the petition were true, the interference of the military was wholly uncalled for. If the object for which the meeting was convened was solely that which it purported to be, that object was, most undoubtedly, a laudable one. If, on the other hand, the object was not that which it was declared to be, if it were not that of promoting the encouragement of manufactures in Ireland, if such had not been the purpose for which the meeting assembled, but that, on the contrary, it had met for the purposes of intimidation, with a view to the utter exclusion of British manufactures then, he would say, that this was an unlawful assembly. It was true, the military had interfered, but he believed no force had been used upon the occasion.

Mr. *Hunt* thought that the petitioners were rather fortunate, seeing, though they lived under military law, that they had not been served as the people of Manchester were in 1819, who met to petition for Parliamentary Reform. He hoped that this affair would not turn out to be all blarney.

Mr. *George Ponsonby* said, the military were of course on the spot, it being a military station.

Mr. *Callaghan* begged to say, that the military were placed in readiness to act—that no meeting took place because notices had been published stating that it would be prevented. It would, therefore, have been dangerous in the parties to go on with the business of the day. The assertion, then, of the learned Gentleman, the Solicitor General for Ireland, was not in accordance with the facts, because the military were assembled for a particular purpose. The meeting of the people was not accompanied by any flags, or any other display which could possibly evince a bad feeling. He had no doubt it would appear that information upon oath had been given, that breaches of the peace were expected; but as to the constitutionality of such proceedings, there could not, he thought, be a question raised upon the matter.

Mr. *Sheil* observed, the petition did not state, that the meeting had been dispersed, but that a vast body of troops were assembled for the purpose of preventing it; that the people in consequence, abstained from holding it, and, therefore, it was evident that the very spirit of liberty had been invaded by the interference of the military. He had no hesitation in saying, that if the meeting had been proposed for a decidedly illegal purpose, his Majesty's Government might, in such case, be warranted in interrupting its proceedings; but it appeared that no sort of improper motive existed. He must, therefore, solemnly protest against the introduction of the military, and against the interference of thousands of bayonets, to interrupt the communication between the people of Ireland and the Commons' House of Parliament. His hon. and learned friend (Mr. Crampton) admitted, that the troops were assembled for the purpose of preventing the meeting; but had expressed himself in a manner which must induce him (Mr.

Sheil) to suppose he was in possession of some information of which the House was ignorant.

Sir *Frederick Trench* thought it would be going too far to say, that when the military were called out to prevent a collision between the people, such interference was objectionable. The interference of the police had been complained of at a late meeting of 40,000 persons, in which a reverend gentleman had rendered himself conspicuous with regard to the "dumb tithe proctors," at the head of 10,000 of the meeting. At least, so said the *Weekly Register*.

Mr. *Leader* said, there could be no doubt as to the character of the meeting to which the petition referred, or of the object for which it was assembled. He had received letters from the chairman of the meeting, and from several other persons, detailing the facts connected with it, from which it appeared, that several thousands of the military appeared to prevent the meeting—nearly the whole garrison were out, consisting not only of Lancers, &c., but also a brigade of artillery was marched out. These facts could be corroborated upon the testimony of men above all suspicion. If this had been a tithe meeting, there would, perhaps, have appeared something like a reason for all this, the locality being so near the city of Cork; but looking to the fact, that it was a meeting of men who were in a starving condition, of men, too, who had been last year in a state of famine, and who now met to complain to the House of their distress, he did think there had been a wanton exercise of the military power. He hoped and trusted, that the people of Ireland would yet be allowed to express their grievances without the fear of being bayoneted.

Mr. *Hume* said, he had been requested by the chairman of the meeting to support the prayer of the petition, which he did most cordially. The hon. Gentleman then read an extract of the letter he had received from the secretary, stating, that Mr. Hodnett had been arrested last Sunday by General Sir George Bingham. It appeared that he was met by Sir George and the troops on the road, and was hailed by the former in these terms. " This is the leader of the rebels, cut him down." Mr. Hodnett was taken to a neighbouring manor, at which it was found convenient to issue a warrant against him for having attended anti-tithe meetings; this the Magistrate refused to do upon such grounds. He would fairly ask the House, whether they thought it possible that the peace of the country could be maintained under such a system? In his oppinion it could not; and he thought that, if such proceedings as these were to be justified by the Government, it would be better that military law should at once be established. It was impossible to imagine that tranquillity could be preserved when the Government itself was the first to violate the laws. He was aware that great excitement prevailed in Ireland, but he thought the Government were bound to avoid any measure which could add to the ferment.

Petition to be printed.

Cove of Cork Naval Station.] Mr. *Callaghan* presented a Petition agreed to at a public meeting held at Cork, which, however, did not bear the signature of the Mayor of Cork, who presided at the meeting, he having been induced to withhold it, in consequence of a resolution being passed which was embodied in the petition. It contained, nevertheless, the signatures of the most respectable inhabitants of the city of Cork, and complained of the removal of the Naval Dépôt at Cove, a measure which had been effected on the plea of economy, but that pretext had never been warranted, for the expense to the country had not been diminished. He was not able at the moment to say, of his own knowledge, whether the latter allegation was, or was not correct; but he certainly regretted that the right hon. Baronet, the First Lord of the Admiralty, was not present, as he thought it of great importance that the House should be aware of some of the statements in this petition, because they went to show that if any excited feeling existed, it was caused by the conduct of his Majesty's Government, and did not originate from bad motives on the part of the people of Ireland. The petitioners complained that they were deprived of a great many advantages, that all nationality had been destroyed, and all national advantages removed since the Union, and that Ireland now appeared rather in the character of a conquered province, than in that of a country which was once a kingdom. The part of the petition to which the Mayor of Cork had objected was that in which the petitioners stated, that 6,000,000*l.* were annually voted for the service of the navy, and that only one-twentieth of that amount was expended in Ireland, and that therefore the petitioners thought the British Government, while it was the most exacting, was the most exhausting ever known. The petitioners had no desire to allude to the soreness beginning to be felt, at the progressive increase of pauperism, and the correspondent breaking down of all the middling classes, a condition in which no country could by possibility prosper. He would not dwell longer on the general subject of this petition; but he must say that public occurrences had shown the absolute necessity of keeping up the establishment at the harbour of Cove; and while he ventured to hope that it would be re-established, he could not forbear saying, that the removal of the establishment was most injudicious and impolitic. In consequence of the public being given to understand, from a variety of past circumstances, that the Naval Dépôt at Cork would be a permanent establishment, many persons had been induced to lay out their money in the purchase of houses, and from the deterioration of property which now existed, those persons had been ruined by their speculations, while a number of artizans had, of course, been thrown out of work. Since the removal of the Dépôt, ships of war had no means afforded them of undergoing repairs at Cove, and they were, consequently, obliged to remove to England for that purpose. He knew of one instance in which a greater expense had been incurred by the repair of a man of war, at his Majesty's dock yard at Plymouth, than had been known at the arsenal of Cork for many years. It had been said, that the removal of the establishment was founded on a principle of economy; but it was well known that the wages of workmen at Cork were much lower than in England, as indeed, was every other charge connected with the navy, and, therefore, upon all points of economy, he thought the removal most injudicious.

Sir *Frederick Trench* concurred in what had fallen from his hon. friend; and, looking at the matter as a great national question, the removal of the establishment was most injudicious. It happened to have been his lot to look at the public buildings in the Cove of Cork. Buildings of the most substantial nature were still in existence there; and it appeared to him to be a most unaccountable thing how his Majesty's Government should have thrown out of consideration the great benefits arising from that naval Dépôt, and thus rob the country of the prodigious advantages of having the means to repair ships of war at Cork. He thought that a worse or more injudicious arrangement, than to destroy the Cove Dépôt could not have been made.

Petition to be printed.

TITHES AND CHURCH CESS.] Mr. *Hume* presented a Petition agreed to at a public meeting, and, as he was informed by the Chairman of that meeting, it was signed by the population of seventeen parishes, nearly 100,000 people having attended the said meeting, at Ballygroman, near the city of Cork. The petition, he acknowledged, was worded in a manner which was rather strong, for strict parliamentary usage; but it was, nevertheless, to be considered that the parties were irritated beyond measure against the existing system of government. They denounced tithes as an odious and an abominable tax. But he, as the well wisher of the people of Ireland, could have wished they had not inserted in their petition this particular passage:—" Happen what will, loss of property or of personal liberty, all will be freely submitted to rather than submit to be the passive victim, of such unheard-of spoliation." Now, he must confess that this language was very strong, and that the cause of the petitioners would not be improved by its adoption. He was happy to say, that he hoped the measures now in progress would have the effect of conciliating all parties, and put an end to such meetings, or the use of such strong language, though he could not but consider that the petitioners had too much cause for complaint.

Mr. *Shaw* appealed to the Chair, whether the language adopted in the petition did not amount to a declaration that the petitioners would not submit to the existing law of the land: and, whether, if that were the case, the petition could, with just deference to what was due to the House, be received?

The *Speaker* said, that the reception of the petition was a matter which must depend upon the construction of the words adopted in the petition. If the language was merely meant as a sort of display of words, the main object or prayer of the petition was perfectly legitimate, and it must therefore be received.

Mr. *Leader* admitted, that the petition was couched in strong terms; but it was the language of oppressed and uneducated persons, and, therefore, he hoped that the House would see that nothing disrespectful to it was meant.

Mr. *Shaw* denied that the language was

that of ignorant persons, and quoted the passage which had been referred to by the hon. member for Middlesex, to show that the petition was couched in terms which rendered it inadmissible.

Mr. *Sheil* thought that the hon. and learned Gentleman should not quote particular passages of the petition without reading the intermediate parts. It would be wrong, perhaps, on the part of the petitioners, to say that they would not submit to the existing law; but the petition adverted to a project only, which was not yet matured, and, therefore, he trusted the House would receive the petition.

Lord *Althorp* regretted that he could not put the same interpretation on the language which the hon. and learned Gentleman had done, and he thought the petition was one which could not be admitted.

Sir *Edward Sugden* said, that the language of the petition was so violent and indecorous, that the House ought not to receive it. He should take the sense of the House upon it though he stood alone.

Mr. *Callaghan* hoped that the noble Lord, the Chancellor of the Exchequer, would not oppose the reception of this petition, which had been agreed to at a public meeting of 100,000 persons. If, indeed, strong language were the ground of objection—if the use of strong language were considered to be disrespectful to this House—then, indeed, he would merely beg to refer hon. Gentlemen to the evidence which had been given by Dr. Doyle in reference to the subject of tithes. He had declared that the Government might convert the Irish nation into a desert, but that they would never be able to make the Irish people pay tithes.

Mr. *Hunt* said, that the hon. and learned Gentleman, the Recorder for Dublin, had done the petitioners a great service in opposing them. Had the petition been laid on the Table in the ordinary course of proceeding, nothing more would have been heard about it; but its contents would now become generally known.

Mr. *Hume* thought that the petition should be received, for he saw nothing in it which could be called disrespectful to the House, though the petitioners used strong language in respect to an existing institution.

The House divided on the Question that the Petition be brought up: Ayes 10; Noes 40—Majority 30.

List

List of the AYES.

Bulwer, Edward L.
Evans, Colonel D.
Hunt, Henry
Jephson, O. D.
Leader, N. P.
O'Ferrall, H. E.
O'Callaghan, D.
Parnell, Sir H.
Sheil, R.
Wilks, John

TELLERS.

Bulwer, Henry
Hume, Joseph.

GERMANY—PROTOCOL OF THE DIET.] Mr. *Henry Lytton Bulwer*, after adverting to his having been in Germany, and to the deep interest which he felt in that country, said that he would just slightly touch on a few points of history, which would elucidate the subject of the Motion he meant to submit to the House. Every one knew that not only was the constitution of the German empire of a liberal and Representative description up to the first French Revolution, but that a free form of government, according to the genius of that time, existed in most of the independent federative states. After the battles of Austerlitz and Jena, these and the German empire itself were overthrown. The Golden Bull of Charles 4th was torn to pieces—the mitred sovereigns—the immediate princes—the little republics, which, under the name of free cities, offered an image of the liberty of ancient Germany, were swept away. The confederation of the Rhine was formed on a system which had, unfortunately, still continued in practice, that of despoiling the weak to increase the power of the strong. But it was easier to say, that such should be the form of a government, and such the boundary of a state, than to extinguish the feelings of freedom and country in the minds of the German people. In consequence, a sullen indignation prevailed; and at the very moment when the princes of Germany were waiting in the anti-chambers of Bonaparte at Dresden, the people of Germany were forming plans, and entering into societies for the purpose of throwing off his yoke. These societies and plans were secretly encouraged and protected by those persons high in situation, who hoped, eventually, to profit by them. The defeat of Napoleon in Russia gave an opportunity for throwing off the mask. All must know the proclamation from the emperor of Russia and the king of Prussia, with which the German campaign commenced. They appealed to the ancient constitutions—to the ancient liberties of Germany, which they promised should be revived and extended. The people of the north of Germany answered that appeal *en masse*, with an enthusiasm it was impossible to resist; and that country, which, when it depended on an army, had been conquered in a single day, when that the national energies of its people were aroused, became invincible. The battle of Leipsig decided its fate. In confirmation of what had been promised then, and in consideration of what had taken place, the Treaty of Paris, to which Great Britain, of course, was one of the parties, in its 6th Article, declared that the states of Germany should be independent, and united in a federative bond. At the Congress of Vienna, the second of those articles, proposed by prince Metternich as the basis for a confederation, said, that the object of this confederation was the guarantee of the internal independence, and the external security of the different states, as well as that of the rights of each class of the nation—*ainsi que celle de chaque classe de la nation.* Disputes in the course of proceedings were more particularly on the part of Bavaria and Wirtemburg, and the king of Wirtemburg, at that time strongly attached to arbitrary power, objected to these very words—"Les droits de chaque classe de la nation." It was in opposition to the course pursued by Bavaria and Wirtemburg on this occasion, that the plenipotentiary of Hanover gave in a very important note, to which he begged most particularly to call the attention of the House. Its substance was to this effect:—"That his Royal Highness the Prince Regent of Great Britain could not admit that the changes which had taken place in Germany since the Revolution had given to the kings of Bavaria and Wirtemburg any right to absolute sovereignty over their subjects, nor that the overthrow of the German empire had for its legal consequence the overthrow of the peculiar constitution of the different states—that a representative system existed of right from time immemorial in the German empire—that the act of the Confederation of the Rhine itself—that concentration of despotism—did not accord to sovereigns a despotic power—and that, as to the title of sovereign itself, it was in no wise expressive of despotic power, inasmuch as that the King of Great Britain was as much a Sovereign as any prince in Europe, and that the liberties of his people, so far from menacing his Throne, were the best guarantee for its stability." This was the language of the hon. Member in 1815, who finished by demanding "that the ancient rights of the German people should be maintained;" and that "even in case that Austria, Russia, and Bavaria, should desire, either on the ground of circumstances or past treaties, to be exempt from their maintenance, that still it should be proclaimed as law—that in all those countries where no assemblies of states had existed, but of which the princes were willing to submit to such measures as were necessary for the good of Germany—that the consent of the states should be necessary to all taxes, their concurrence to the making of all new laws—that they should participate in the inspection of the manner in which the taxes should be applied, in the event of any malversation, of which they were authorized to demand the punishment of the public functionaries." To this note, Austria, Prussia, and Bavaria agreed. Now here was evidence of the strongest and most important description—first, the note of Prince Metternich, declaring that the object of the confederation was to secure *les droits de chaque classe de la nation;* next, the statement of the Hanoverian minister, to which Austria, Prussia, and Bavaria adhered, which declared what those rights were, which demanded assemblies of state, and (what was of the utmost consequence) defined their duties—the first and principal of which was the grant and application of Supplies. At length the Act of the Confederation was agreed to. The second Article declared—"That its object was to maintain the internal and external security of Germany, the independence and inviolability of the confederated states." Article 13 declared—"That there should be assemblies of states in all the countries of the Confederation." The note of Hanover had already stated what their duties should be. Article 18, which had now become of much importance, began by stating, "That the princes and free cities of Germany are agreed to assure to their subjects of the confederated states the following rights." After mentioning various things that the Diet would do in the grant of particular rights and privileges, it went on to say: "That the Diet will occupy itself, at its first re-union, with a uniform law respecting the liberty of the press, and the measures to adopt for guaranteeing authors and editors against the piracy or counterfeiting of their works." In regard to this article there were two things to observe—first, that from its preamble, which stated that "the following rights are about to be assured to the people of the confederated states," it was clear that the uniform laws, respecting the liberty of the press, were to assure the right of the liberty of the press; secondly, that the latter passage, relating to authors and their works, being inserted in consequence of the prayer of the principal booksellers in Germany, who set forth as the ground of their petition, "that no state has a right to permit its subjects to do an injury to the subjects of a foreign state." It was evidently inserted as a boon and grace to the people of Germany, and a recognition of that separation and independence in respect to literary publications which the prayer of the booksellers set forth. The return of Bonaparte from Elba left the labours of the Congress imperfect and unfinished. He had little to say in favour of those labours, even of the Act of Confederation itself. They commenced by an assumption of authority on the part of five Powers to regulate the affairs of the whole of Germany. They destroyed, by the act of their own immediate authority, the power of many independent princes and free states—they erected a system with all the faults of the old empire—want of consolidation and concentration, without the advantages which the veneration due to antiquity inspires. Yet nobody could read that Act of Confederation, knowing the circumstances by which it was produced—the proceedings which attended its progress—without being convinced that its intention and declaration was, to give to all the people of Germany their ancient liberties; to keep each county independent of every other in internal regulations; to establish in every kingdom assemblies of states, which should have the power of imposing the taxes, and of regulating the application of the public money, and to confer, by a uniform law, the liberty of the Press. Most of the sovereigns shortly afterwards gave new constitutions, or restored, with extension, the ancient states. But it was remarkable, that Austria and Prussia, which had been the loudest in claiming the liberties of the people, became as conspicuous for infringing them, and evading the public demands. This, of course, produced great dissatisfaction and excitement; the unfortunate consequence of which were the murders committed by Logney and Sand, which gave an unhappy pretext for the Congress at Carlsbad. Did the sovereigns take that opportunity to satisfy their subjects by the fulfilment of their promises? Did they then publish that law in favour of the liberty of the Press which was to have been promulgated immediately. They did not attempt to put an end to discontent, but to suppress its language. They established a severe censorship on all periodical publications; they assumed the power of suppressing all books, and they formed a central Committee of Police throughout the German empire. The second Congress at Vienna immediately followed, which produced the final Act—an heterogeneous composition—the intention of which was to annul the spirit, and yet to keep as strictly as possible to the letter of the first Act of Federation. Not one of its articles in favour of the people had ever been enforced; while all those against the people had been always ostentatiously put forward, and were now marshalled forth anew in the protocol to which he begged to call the attention of the House. From this it was learnt that the Diet was offended with the journals and pamphlets which inundated the country with the abuse of speaking in the Chambers of the States. It invoked the article 18, which said, "that an uniform law in favour of the Press should be immediately granted;" and it said, that "until all the Governments shall concur in establishing a uniform law respecting the liberty of the Press, the Act of Carlsbad, which indefinitely put down the liberty of the Press, shall be in force." If, after this, the Diet should be enabled to maintain itself against the attacks of the Press, or of the Chambers, well and good. "But, if not, Austria and Prussia would, at the invitation of one or all of the Confederated States, employ every means at their disposal for the maintenance and execution of the Federal Constitution, its important objects, &c." Was there ever a more complete profanation of terms? The objects set forth in the Federal Act were, to preserve the inviolability and independence of the several States, not to make them the slaves of Prussia and Vienna. The objects set forth in the Federal Act were, to give constitutions, not to annihilate them—to assure the liberty of the Press, not to take it away. In the protocol which followed, the final Act of Vienna was made responsible for all these new enactments of the Diet. So confused and jumbling a piece of diplomatic machinery never yet came from the Cabinet of Vienna. To understand it was impossible, for each act contradicted the other. But the article first cited was unfortunate. It declared "that the Sovereign cannot be bound to admit the co-operation of the states, except in the exercise of rights especially determined." From this it followed, that the Sovereign was obliged to admit that co-operation where it was specially determined. But, in many states, the co-operation of the Chambers in granting and applying the taxes was especially determined. What was said about this? Why, that the Chambers were not to attempt to refuse the taxes. Then, after declaring that in "all cases where one or more states shall invite them, Prussia and Austria are ready to march;" this document went on to say—"But if the Government is hindered from applying to the Confederation for assistance by circumstances, the Conference is then bound, though not applied to, to interfere;" so that, whenever a German sovereign did not apply to have a parcel of Croats quartered upon him, it would be said, he was prevented by circumstances. One was surprised after this, to read that "the Diet wish to facilitate, in the several states, the maintenance of the constitutional relations between the government and their assemblies." But what was called in Austria facilitating constitutional relations? Why, that a committee should be appointed by the Diet, to watch over and report all proposals and resolutions in the chambers of the several states of what took place, from which it was seen that expression of opinion in debates was not to be allowed; this was the amicable way that Austria had of facilitating constitutional relations. The conclusion which the Diet came to, however, was to be praised—it rendered peace perfect, and settled at once all doubts that could arise in hon. Gentlemen's minds as to the nature and intention of this performance. It was, "That the Diet alone is to be understood capable of understanding its own enactments." This was very original and very essential. Another manifesto had been published since this, which he would not go over; the House, doubtless, was well acquainted with it. It prohibited all associations—all public fêtes—all political writings—all liberal professors. It engaged mutual military assistance, and ended by suppressing the newspaper of a neutral state, and passing sentence upon its editor without any trial or judgment. So, then, it appeared, that the sovereigns of Austria and Prussia were willing to give Germany just so much constitutional liberty as would not allow its writers to write—its professors to teach—its Chambers to vote taxes and to make speeches—or to propose resolutions—while every state should be so inviolate, so independent, that with or without the invitation of its sovereign, a deputation of Austrian or Prussian hussars might be sent to keep it in order. This was the present state of matters. There were two considerations then to be submitted to the House. First, whether it approved of the proceedings of the German Diet? Secondly, Whether it was good policy to interfere respecting them? Although he had referred to the two Acts of Vienna, the last of which he considered a violation of the first—partly as Great Britain was connected with those Acts—partly to show that Austria and Prussia had not even preserved a shameful consistency on this subject—he by no means intended to rest the liberties of the German people on these two documents. They depended on the promises that were made to them by their sovereigns as the reward of their exertions, and on the freedom they enjoyed under their ancient customs and constitutions. In regard to the promises they received, the proof was to be found in the manifestoes of the sovereigns in the years 1812 and 1813, and also in those opinions which they then industriously promulgated by pamphlets and from the pulpit. The very Gentleman by whom the present protocol was said to be drawn up, made one of the most spirited appeals at that time to the feelings of liberty alive in every German breast. The king of Prussia called on the north of Germany "in the name and for the cause of independence, liberty, and knowledge." Who could have believed that by independence was meant the intermeddling interference of other states—by liberty the establishment of police committees—by knowledge, the suppression of teaching, and the severest censorship of the Press? As to the ancient liberties of Germany, it must be remembered that its governments continued to possess the free form of a constitution, according to the opinions and practices of the time; and that that very liberty of opinion, if it ever existed anywhere, existed for centuries in Germany, in which it was now attempted to put it down. Every one knew that, in the sixteenth century, religion was the politics of the period. States and individuals were judged—alliances were formed—wars were carried on—every thing, in short, depended on religious tenets at that time, as much as on political ones at the present day. The relation of one state to another—the power of a sovereign over his subjects—more especially since many of the lay governors were Ecclesiastical Bishops—depended almost entirely on the decline or progress of Protestant opinions. The doctrines published as to one, might, and must, materially affect the government and condition of the other. Did the separate states on this account strip themselves of their independence? did they resign the practice of their own faith? did they abstain from preaching their own opinions? Was such the purport of the Treaties of Augsburg and Westphalia? But taking the liberty of the Press, even in the modern acceptation of the term, it existed in Germany, by custom or privilege, prior to the French Revolution. Nor did one state restrain it at the imperious demand of another. The princes of Germany were not always afraid of the spirit of criticism and inquiry among their subjects, like the good emperor of Austria, who by the bye begged the professors at Laybach, not to teach his subjects too much. They knew the humane and enlarged notions of Joseph of Austria—every one was acquainted with the anecdote of Frederick the great of Prussia. What did he do when he found a placard on the wall abusing the acts of his government? Did he order out a troop of gens d'armes or Prussian grenadiers to pull down the obnoxious publication? Did he set the whole police of his kingdom on foot to discover the abominable traitor who stuck it up? Did he rush in despair to the shades of Potsdam, and call for a Congress at Carlsbad, and beg to establish a committee of spies throughout the German empire? What did Frederick the Great do? Why he ordered it to be placed a little lower, in order that the people might read it. This was the conduct of a great and wise prince, who had violated no promises to his people, and who, therefore, had no fears of them. And what was the case in Hanover? Every gentleman acquainted with the modern political works of Germany must know the Staats Anzeiger of Mr. Schlœzer. Mr. Schlœzer was a professor at Gottingen, and the professors at Gottingen had the privilege of publishing their opinions without comment or censure. He published, then, this magazine or newspaper. M. Schull, a gentleman well known in the literary world of Germany, and the particular friend of M. Ancillon, the present Minister for Foreign Affairs in Prussia, gave this description of the tendency of Schlœzer's writings, and the manner in which they were dealt with. "He signalized," says Mr. Schull, "every species of abuse, whatever it be, with which he was made acquainted in any part of Germany. He brought before the tribunal of public opinion, all those whom he deemed worthy of animadversion, more particularly those little Princes and their little Ministers, with narrow-minded views, whom he considered as the scourge of monarchy and humanity. When he had denounced an abuse to the public, he never let it alone until justice had been done, and that abuse remedied. The Court of Hanover, to whom complaints were frequently made, refused to restrain this liberty, which made part of the privileges of the university." Those were happy days for Hanover, when, if any demand was made on the Sovereign to exercise an illegal and arbitrary power over his subjects, it was not met and welcomed as a proof of the dear friendship or the paternal care of the Imperial Power who made it. When he asked, then, whether the House approved of the conduct that had been pursued by the Diet, he laid before it no common case. The Holy Alliance had not now occupied itself with a subject like that which was before it at the Congresses of Laybach and Verona. Here was not a case in which a people had hastily, perchance prematurely, claimed a liberty which they never before enjoyed; here was not a case in which no promises had been made, and no right therefore existed for expectation or disappointment; here was not a case in which the Sovereigns had done every thing for the maintenance of their thrones, and their subjects nothing; Here was not a case in which England and Europe must feel gratitude to the spirited princes who rushed from the alliances of Buonaparte, and treated his offers of friendship and family connexion with disdain. Nor was this the case of a people who followed the example of their Sovereigns in submitting to a foreign yoke. It was not in Italy, in Portugal, in Spain, that liberty was now to be crushed—it was in Germany, the fatherland of liberty—in Germany, to which the most magnificent promises were made—in Germany, to the people of which its Princes owed their thrones, Europe its peace, and England its dear-bought glory! But such being the sentiments of the House as to the proceedings of the German Diet, was it good policy to interfere respecting them? He could not consider England in the light of a state which had not interfered. She was placed by peculiar circumstances in such a situation, that if she did not interfere, by some expression of her opinion, at all events, in favour of the German people, she must be thought to have taken the part of the German sovereigns. It was known, that one of the misfortunes which accompanied the otherwise happy event of the accession of the present family to the British Throne, was that by which George the 1st remained Elector, as the present King now is King, of Hanover. It might be very well to say, that Hanover and England were two separate kingdoms — that the one had nothing to do with the other. This might be the case theoretically; but it never had been, it could not be so, practically. It might be imagined, that this Government was about to adopt a new course; but, until it had done so, the world would judge of the future by the past. It would look back to the affection which the Kings of this country, of the present line, had ever shown to what they considered the interests of Hanover, with the conviction that they would not readily depart from those interests, whatever they might consider them to be. Besides, was it possible to contend that an individual could be so little identified with himself as to have his troops, as King of Hanover, fighting on one side of a question, and his troops, as King of England, on another? The policy pursued by the King of Hanover must, without strong proofs to the contrary, be considered as the probable policy of the King of England. So much, indeed, was this identity considered at the Treaty of Vienna, that the plenipotentiary of Hanover strongly insisted in urging the claims which that kingdom had to consideration, on the circumstance that it was closely connected with, and must in a great measure be supported by, the resources of Great Britain. Now, this being the case, the House must know that the King of Hanover, as was said, during those three days in which the King of England was supposed to have adopted a new course of policy, and a new Administration, signed and approved of the document which was the subject under consideration. The House could not, therefore, at this moment —matters remaining as they were—be considered indifferent to, or entitled to stand aloof from this question. All the moral influence resulting from the supposition, that the individual at the head of this Government was favourable to the oppression of the Diet, was now in full operation against the resistance of the people. This consideration, if this consideration was the only one, would call upon the House for some expression, at all events, of its opinion. Now, a hasty, foolish desire to interfere and intermeddle with foreign states, was as far from his idea of the course of policy that this country ought to pursue, as anything he could conceive. Still he, for one, would not consent to England being a mere cipher, a nullity in the political combinations of Europe. He would not consent to the proposition, that she was to look with perfect indifference on the Continent, and think that no changes there could by possibility affect her. But if there was anything which more immediately affected the interests of England more than another, it was the fate of Germany. Unite that country under a good government, and it would be at once a check upon the aggrandizement of France, and upon the ambition of Russia. Leave it as it was, it would be a tool in the hands of one, or a prey to the other. The ancient empire was a grave and august body—always agitated, and never acting; it crumbled to pieces at the first shock. But why did it tumble to pieces? Because it had no united, national feeling; because it did not contain one nation, but two armies. This was the system which failed—this was the system which, since the Treaty of Vienna, Prussia and Austria had been labouring to re-establish. Was it possible to imagine that the events of the revolutionary war would not have furnished a better lesson? Was it the troops of Austria —was it the troops of Prussia which rolled back the tide of French invasion? He appealed to Jena and Austerlitz—he appealed to the column of La Place Vendome, and asked, what it was erected to commemorate? To whom belonged the cannon of which it was made? Not to the people, but to the armies of Germany—armies that were now called upon to quit that liberty they were unable to win or defend. The padded, well-stuffed soldiers, those who were marched, and encamped, and commanded according to the most approved principles, the best drilled, and best dressed soldiers of Europe could effect nothing good, because the army was unsupported by the people. They had bayonets but no energy to use them—discipline, but no zeal to make it efficacious. The sapient stratægy of Austria was not once successful—the chivalry of Prussia was crushed in a single day. But the armies of these states, though so easily subdued themselves, had been sufficient to cramp and crush the energies of others. When they were defeated, the whole of Germany was lost—the south—the north—and mark the hard fate of the minor powers—kept down by tyranny sufficient to oppress them, and unable to keep off their enemies—all became the prey of the conquerors. But when the armies of Germany were put down, then its people arose —then they began to commune and combine together—a real confederation was formed—then national plans were laid—opportunities were watched—and the occasion came. Who, when he saw the result of that confederation of the people of Germany in favour of their princes, would have anticipated this confederation of the princes of Germany against their people? Here, at all events, was the result of the two systems. What the armies of Germany could do, and what the people did was seen. The one was swept down in a single battle—the other was victorious in a hundred conflicts. If England wished Germany to be strong—and it was the strength of Germany which ensured the peace of Europe—was it not the wisdom of the House to address the Sovereign according to the terms of his Motion? Would it not be the wisdom of the Sovereign to listen to its counsel when it addressed him to exercise his influence with the Germanic Diet and princes of Germany, in disposing them not to forfeit those pledges England joined them in giving—not to rely upon the brute force of their armies against the moral force—stronger than armies in these days of public opinion —not to separate themselves from their people through any vain confidence in their present power — from the people, who clung to them and supported and re-established their thrones in the day of their past distress—not to lay their country again open to the force which any new revolution in France might pour into it? Surely there was no one who could dissent from the principle, from the policy, and from the prudence of such an Address. Government was anxious to avert war. Who was not so? And what was the war which they had to dread? It was the war which Mr. Canning predicted — the war of hostile principles now drawn up in array against each other. How should they avert that war? Not by allowing these principles, without an effort to prevent it, to be brought into collision—not by allowing the armies drawn up on one side to be brought into conflict with the constitutions opposed to them on the other. On the one hand, it was said, that the Prussian army was reinforcing itself on the Rhine from Silesia —the Austrian army was marching from Italy in the same direction. On the other, the people in the minor states were already holding meetings to consult on what was to be done. The Representative Chamber of Cassel was about to protest against the resolutions; the Hanoverian Chambers meant to make serious remonstrances; the Deputies of Brunswick could not concur in the protocol; the smaller states were to be overrun with Austrian and Prussian soldiers; but the smaller states contained 12,000,000 of men. France, too, was augmenting her forces? Was not that a serious state of things? Was it not plain, that, if such a state were urged to repress war, ruin, either to liberty or to kingdoms, must inevitably ensue? Was not war certain if things proceeded in the direction given to them by the government of Germany? There had been pusillanimity and protocols long enough. Let the Government see whether a bold and manly conduct might not be able to avert that war. It was not by cowering and truckling to an influence opposed to the best interests and best feelings of the nation that war was to be prevented. Never was there so absurd an idea, or one so fatal to every nation which adopted it. If the sovereigns of Germany were really just in their intentions, or not too strong to despise advice, then they would listen peaceably to remonstrances. If they were unjust, and, as they imagined—all-powerful if their design be that which it appeared, not only to rule their own kingdoms arbitrarily, but to throw a general chain over the human mind wherever it expands, and they think they have the strength to effect this, then, indeed, they would not listen; then they were not only the enemies of Germany, but the enemies of England, and of all freemen. Their present attempt was a part of a universal plan which England was called upon at every hazard to resist, without losing a week, a day, a moment. Do not let it be said, that "they are so powerful, England must dread to offend them." If they were more to be dreaded now than when Poland was yet free, what would be the case when Germany was subdued? If England must one day resist, let her do it now; or should she wait till the freedom of France was, in its turn, attacked, and, perhaps, subdued? Would England be better off, or better able to fight for freedom then? France feels her own situation; she also pretends to feel for the calamity of other nations; but what did she say? When Poland might have been preserved, M. Thiers said, in the French Chambers, that England had refused to unite with France for that purpose. Now, again, the official organ of the French Chambers declares, that it could not protest against the acts of the Diet, for England refused to join in such protestation. This was the language of France, who, if she were joined frankly and boldly by England now, might still be able to interpose in right of the treaties it sanctioned, and the constitutional liberty it was yet suffered to enjoy. He might quote, he hoped, in confirmation of his own views, the eloquent language once used in that House by a Gentleman now high in his Majesty's Councils. When speaking of the acts which the protocol of the Diet of Frankfort was intended to confirm. Mr. Brougham said, 'Where was the preponderating control of 'our influence now visible? We once, 'indeed, could boast of a proud pre-emi- 'nency; but I challenge any man to point 'out its existence now, in governing the 'destinies of states, Either we had the 'power, and refrained from using it, or we 'had suffered the beam, which upheld the 'liberty and the independence of nations, 'to be kicked by a herd of despots, and the 'balance to be overpowered; or we had 'suffered ourselves to be duped, and cajoled, 'and shut out from the European system. 'It might be said, that the dangers which 'were imputed to the system of the foreign 'despots, were fanciful, distant, and chi- 'merical. I am prepared to maintain the 'contrary, from the avowed principles of 'the conspirators commonly called the '"Holy Alliance." What! is this de- 'signation of these sovereigns doubted? 'Why, it is not mine, but that which they 'have given themselves. There is but 'one view that can be taken of that 'league of conspirators, and of the motives 'of their alliance. I do not expect that 'any measure will proceed from these 'conspirators during the course of either the 'present year, or of the next year, or even 'of the year after that, expressly designed 'to wound the pride, or outrage the feel- 'ings of the people of this country; for 'though that people are prevented by many 'considerations from plunging hastily into 'the miseries of war, though they are 'bound over to keep the peace in recog- 'nizances of 800,000,000*l.* sterling; yet, 'as in the case of private individuals, 'there are insults which compel them to 'forfeit the recognizances, into which 'they have entered; so also, in the case of 'nations, there are circumstances so in- 'jurious to their honour, so galling to their 'pride, and even so alarming to their fears, 'as to induce them to forfeit the recog- 'nizances by which they are bound, and 'to say in language more warranted by 'high feeling than by sound discretion, '"Let the debt go—let the storm come, 'we are prepared for the worst; and hap 'what may, we will submit no longer to 'the contumely and outrage of these op- 'pressors of mankind." Therefore, it is, I 'conceive, that the imperial personages 'abroad will proceed slowly and gradually, 'but still silently and surely, in their in- 'fernal work; that they will not assail 'us by any direct and immediate measures, 'but will accustom us, by degrees, to 'bear first, one thing, and then another, 'till at last, when they come to that point 'at which we necessarily must stop, we 'shall find that we have lost the golden 'opportunity of resisting them with suc- 'cess; and having lost with it that which, 'to individuals, is everything, and to na- 'tions almost everything, namely, our 'honour; we shall be driven at their good 'time, and not at our own, to wage a long 'and sanguinary, and, perhaps, unsuccess- 'ful struggle, against those whom we 'could have resisted successfully, had we 'resisted them in the outset of their aggres- 'sions.' That was the language, more violent than any he had used, of a noble and learned Lord, who, with a spirit of eloquence amounting to prophecy, foresaw the state into which England was now fallen. From such a state it might yet rise, by the display of that boldness and firmness which he counselled, and which Mr. Canning subsequently adopted, and which was the only course England could now adopt. He advised such a course as the means to arrest war; but if the battle for free opinions was to be waged, most grateful and rejoicing, indeed, would he be, that the battle should be fought on that soil where it was heretofore so gloriously decided—most grateful and rejoicing should he be, that it was to be fought by the men who, with conscience for their support, defeated Charles 5th, with Spain and the Indies at his back—that it was to be fought on the land of Luther, and by the sons of those to whom freedom of thought had ever been the rallying word of victory. With that land, and the people of that land, the people of this country must be ever connected. It was in the free forests of Germany that the infant genius of our liberty was nursed. It was from the free altars of Germany that the light of our purer religion first arose. It was from one of the minor states of Germany that our Constitutional Monarchs came. He appealed to all these recollections and sympathies—and, not only to these recollections and sympathies, but also to all those feelings which self-interest, policy, and prudence could suggest in support of the Motion he was then about to read to the House. He moved—"That an Address be presented to his Majesty, requesting him to exercise his influence with the Germantic Diet in opposition to the course pursued by them, contrary to the liberty and independence of the German people."

Mr. Hume seconded the Motion.

Viscount *Palmerston:* I must, in the first instance, bear my testimony to the ability with which the hon. member for Coventry has performed his task; and to the luminous and perspicuous manner in which he has laid before the House the results of his historical researches into this question. It was not, however, necessary for the hon. Gentleman to make any apology to the House for bringing under its consideration a subject which has excited so deep and universal an interest in every country in Europe. If the hon. Gentleman thinks that events are pending which threaten the independence of the German States, it is to me no matter of surprise, that, as a Member of the British House of Commons, he should take an opportunity of drawing the attention of the Parliament to the subject; for] I am prepared to admit, that the independence of constitutional States, whether they are powerful, like France or the United States, or of less relative political importance, such as the minor States of Germany, never can be a matter of indifference to the British Parliament, or, I should hope, to the British public. Constitutional States I consider to be the natural Allies of this country; and whoever may be in office conducting the affairs of Great Britain, I am persuaded that no English Ministry will perform its duty if it be inattentive to the interests of such States. But it is one thing to admit the importance of the question and the deep interest which this country ought to take in it, and another to argue, that the Government should adopt any particular course of proceeding which an hon. Member may advise; and I must confess that I am not prepared to accede to the proposal with which the hon. Gentleman has concluded his address, because I do not think the state of affairs in Europe and the complexion assumed by the transactions to which this Motion refers, are such as to call at present, for those steps which the hon. Gentleman recommends. I entirely agree in the hon. Gentleman's view of the object for which the German Confederacy was formed by the Treaty of Vienna: the main and principal object for which the Confederacy was established, was not only the internal and external safety of the States which compose it, but also the maintenance inviolate of their individual independence. It, therefore, cannot be denied, that anything which threatens to destroy or violate that independence, would be inconsistent with the principles on which the Confederacy was established, and would so far be a departure from the Treaty of Vienna, towhich all the great Powers of Europe were contracting parties. But what is the state of these transactions as far as they have gone? I am not standing here to express my approbation of those Resolutions of the Diet upon which the hon. Gentleman has founded his Motion: perhaps a Minister of this country is not called on to pronounce a judgment one way or the other on the acts of independent Governments, who must be considered *prima facie* the most competent judges of what is suited to their wants and existing situation. Whether these Resolutions, therefore, do, or do not, outstep the necessity of the case, I am, perhaps, as one of the Ministry, not called on to say; but, in my own private opinion, I cannot help entertaining an apprehension, that the governments who have entered into these Resolutions, have over-estimated the dangers against which they were endeavouring to guard, and not framed with the greatest possible degree of discretion that measure which they propose to apply as a remedy to the danger. But though I go thus far with the hon. Gentleman, prudence and discretion require that we should rather look dispassionately at what has occurred, than come to a hasty conclusion upon what may yet take place. Uncertain facts, and doubtful surmises, ought not to be the basis of any important proceedings. But all that we know at present is, that a certain number of independent Sovereigns, united in a Confederacy which is sanctioned by all the great Powers of Europe, have unanimously adopted some Resolutions applicable only to their own States, and not involving any point whatever which concerns their foreign relations with other independent Sovereigns. It, therefore, appears to me, that other States cannot found any just ground for interference with these Governments on the Resolutions which they themselves have voluntarily adopted. In our relations with foreign States, we can only consider the acts of the governments of those States, because, looking externally at the States themselves, it is by the acts of their governments alone that foreign governments are able to judge of their intentions. The hon. Gentleman seems to apprehend that these Resolutions, if carried into effect to their fullest extent, may, in the first place create differences between the Sovereigns and their subjects, and subsequently give rise to serious misunderstandings among the members of the Confederacy themselves. But, in looking at these Resolutions, we must not shut our eyes entirely to the facts which have gradually led to the adoption of those Resolutions; and it is unquestionable that there were many appearances in Germany of a disposition to disturb the internal tranquillity of the Confederacy on grounds which would not justify that disturbance. I allude to several public meetings, and more particularly to the meeting which took place at Hambach, with all the symptoms of excitement which were there exhibited. I will not deny, that if the Resolutions of the Diet are acted on to their full extent, steps may be taken which will so trench on individual rights, and will cause such serious differences among the Germanic body, and the individual members of the Confederacy, as may render it impossible to hope that the peace of Europe can be preserved; and if the peace of Europe should be broken on such grounds as these, it would, perhaps, give rise to a war, not merely between the States of Germany, but a war of opinion, which would spread its influence beyond the country whence it had its source; in which case this country would not only be entitled, but called on, to take such steps as circumstances might require to preserve Europe against the consequences of such an injurious and extensive principle of warfare. But when the hon. Gentleman calls on the House to address his Majesty to use his influence with the Germanic Confederacy, I ought perhaps in the first place to ask, in what capacity he wishes his Majesty to interfere, whether he wishes him to interfere as king of Hanover or as King of England? Because if it is as king of Hanover, I should think that the hon. Gentleman will himself, on reflection, see that the British House of Commons has no claim to make such a request. But if the hon. Gentleman proposes this Address to the King as Sovereign of Great Britain and as a party to the Treaty of Vienna, which established and secured the independence of these States of Germany, I should then say, that the ground on which I resist the Motion is the ground of discretion. Not that I deny that the King of England has a right to express his opinion on this matter (for I agree with the hon. Gentleman that such a right most undoubtedly exists), but because I think that nothing has yet occurred which calls for such an interposition on his part, or on the part of this House, for such a premonition as is implied in the Motion. At the same time I can assure the hon. Gentleman, that the Government is not inattentive to those important events to which he has so ably drawn the attention of the House. I can also assure him, that even without such an Address as that which he has proposed, the advisers of his Majesty will deem it their duty to keep their attention fixed on those circumstances which are now taking place on the Continent of Europe, never, I trust, undervaluing their deep importance with reference to this country; because, let persons recommend as much as they will the propriety of England withdrawing itself from all political connection with the rest of the world, my opinion is, that as long as our commerce is of importance to us — as long as Continental armies are in existence—as long as it is possible that a power in one quarter may become dangerous to a power in another—so long must England look with interest on the transactions of the Continent, and so long is it proper for this country, in the maintenance of its own independence, not to shut its eyes to anything that threatens the independence of Germany. But I cannot bring myself to believe that the alarm of the hon. Gentleman is really well-founded; I cannot believe that any one administering the affairs of a great country can take so erroneous a view of its own interest, or of the interests of society, as to wish to deprive those independent States of those constitutional rights, which are such a blessing to themselves, and certainly are no injury to their neighbours. I cannot believe that such a wish exists where there is a power to carry that wish into effect; or even if such a wish does exist, I cannot believe that those who have the desire deem it possible for them in the present state of the world, to carry that wish into execution. I cannot believe that they can think it practicable, by mere military force, to deprive millions of men of those constitutional privileges which have been formally conceded to them; because that would be to impute to them a want of knowledge and judgment under which it is impossible to suppose persons to labour, whose extensive experience must have led them to a far different conclusion. I am, therefore, convinced that the intention of these Resolutions (however calculated they may be to excite alarm), was merely to guard against those local dangers, the existence of which it is impossible to deny, though I think their magnitude and importance have been greatly exaggerated. Under these circumstances, when the contemplated purpose of guarding against these local dangers is accomplished, I cannot but believe that those Governments, on whose decision may depend not only the fate of Germany, but the peace of Europe, will have sufficient wisdom to abstain from pursuing the matter to further extremities, and will foresee those perils which their moderation and forbearance may prevent. I cannot but believe, that while, on the one hand, the violent party, which is but small, will abstain from exciting further alarm, so, on the other hand, the Governments will see that there can be no advantage in trenching on the rights of the constitutional States, but that their own interests, as well as the interests of all Europe, will be most promoted by the preservation of peace. Under these circumstances, I feel it to be my duty to give a negative to the Motion of the hon. Gentleman.

Mr. *Courtenay* said, he did not rise either for the purpose of supporting the Motion then before the House, or of replying to the arguments of the noble Lord who had just sat down. With some few exceptions, he entirely concurred in all that was stated by the noble Lord as an answer to the Motion, for the whole tenor of his speech went to uphold the principle of non-interference—a principle which he (Mr. Courtenay) had uniformly maintained. With his noble friend he recognized the doctrine, that, though a case might arise in which it would be necessary for us to interfere, yet, above all things, we ought to take care not to hasten the occasion for our interference by our own rashness. But his principal reason for rising was, that he could not refrain from taking that opportunity of seeking for some explanations on foreign affairs, which must be deemed necessary under the present circumstances of Europe. He would admit that the present late period of the Session was not the most fit time for entering into general discussions of such important matters as our foreign relations, but still, late as it was, he thought they ought not to depart without having some more full information on some points connected with that important subject than had yet been laid before them. He had stated the other night, and he would repeat that statement, that, however the situation of their establishments might permit them to make a hostile demonstration, or even to go to war, such a step ought not to be taken, except in extreme cases, without coming down to that House for advice and assistance. It had been the custom of Ministers to make the House acquainted with their intention, when war was likely to break out on the Continent. Such was the course pursued by Mr. Canning, when he placed before the House the reasons why Ministers would not interfere between France and Spain, except the former actually invaded Portugal. No such principle appeared now to be acted on. Many circumstances had recently occurred in Europe, which, with reference to this point, required explanation. Some time ago, an Austrian force had entered the Legations, as they were denominated, which belonged to the Papal See—a circumstance that did not appear to him to be extraordinary, because Austria might be considered an Italian power under existing treaties. But, at a later period, France took possession of Ancona, a circumstance which was passed over unnoticed; and, with respect to what his Majesty's Ministers had done on that occasion, the House remained in nearly complete ignorance. There might, undoubtedly, be reasons for the non-interference of this Government on the occasion to which he alluded; but he called on Ministers to state on what ground they had not interfered. He was sure that his noble friend would not justify non-interference in this particular case, upon a general principle that England should not concern herself with the affairs of foreign countries. His noble friend could not say that the scene of action was too far off, for Greece, with which we had interfered, was still further, and not more useful or interesting to us than Italy. Perhaps his noble friend thought that the interference of Austria justified that of France, but his noble friend should recollect that Austria was invited while France was not. It might be—and this he believed was the true state of the case—that France took possession of Ancona with the concurrence of England and the other Powers. He thought the last was really the case, and would state his reasons for thinking so. He must, however, charge the noble Lord with some disingenuity in reference to this subject. In March last some questions were put to the noble Lord in regard to this expedition to Ancona. His answer upon that occasion was, that the naval commander had been recalled, that one of the principal officers of the land forces was also recalled, and his conduct disapproved of by the French government. He (Mr. Courtenay), at the same time, asked the noble Lord what part of his conduct had been disapproved of, and to this he received no answer. The disapprobation of the French government must have had reference to some matter of minor importance, because the French troops still kept possession of Ancona. When the noble Lord was asked the reason for this expedition, he referred to an explanation given a few days previously by M. Perier, the French minister; and it was that explanation of M. Perier which made him believe that the French expedition had the concurrence of England. M. Perier said, "Our expedition to Ancona, conceived in the interests of general peace, as well as in the political interests of France, has for its object the giving more activity to negotiations in which all the Powers have concurred, with a view of placing upon a firm basis, at once, the security of the pontifical government and the tranquillity of the population, by means both efficacious and durable." Now he wished to know what were the particular engagements with the Allied Powers from which the Papal government had departed, and the departure from which justified or called for this expedition. From a publication which appeared some time back in Paris, and from a recent publication in this country, it seemed to him that the interference in this case was upon a principle not heretofore recognized by England, and forming part of a system which would lead to interminable war. In this publication it was stated, that, on the 31st of May, a paper was presented from the Allied Powers to the Papal government. It was not signed by England, because it was supposed that the signature would not be consistent with the laws of this country, which prohibited, under the penalty of a *præmunire*, the signature of any such document. It was, however, signed by the other powers. Now this note, addressed to the Papal government, demanded the "establishment in the Papal territories of a central board, charged with the revision of all the branches of administration, to act as a Council of State, and consist of the most distinguished citizens. It required also that a provincial and communal council should be established upon the principle of popular representation; that a new and improved system of civil and criminal law should be introduced, more simple, and in some conformity with the knowledge of the age; lastly, the secularization of employments, in other words, that laymen should not be altogether excluded by law from all affairs of the least importance." It was impossible that any interference could be more arbitrary and more direct than this. It went beyond the Order in Council. It was, in fact, nothing more nor less than imposing a complete Reform Bill on a foreign state. He was not there to defend or to condemn the system of Papal government in the States of the Church. It might be good, or it might be bad; but good or bad, it was not the business of this country to interfere with it. This was a proceeding so strong, an interference so direct, and, as he thought, so unjustifiable, that it called for satisfactory and full explanation. If it was right to present the original note, there could be no doubt of the right to press the execution of it by force. But even admitting the right, why should the enforcement of it be intrusted solely to France? Perhaps Austria was a consenting party, having herself before occupied part of the Papal territories, though with a very different object: perhaps the other Powers were consenting parties, but, at all events, England should have taken part in directing the force necessary to accomplish the proposed object. Ministers took great credit to themselves for having preserved the peace of Europe, and the member for Devonshire [Lord Ebrington we believe], the other night, in recounting their merits and their claims to support, mentioned Reform, retrenchment, and the preservation of peace, as the great principles by which their public conduct was directed, and those on which they came into office. They had, it was true, carried their plan of Reform, but it remained yet to be proved whether it would be a source of good or evil, whether a curse or a blessing to the country. Retrenchment was the second claim to support put forward by Ministers on taking office, but he believed they already found so much had previously been done in the way of retrenchment that it was impossible for them to carry it so far as they expected. As regarded the preservation of peace, the present and the late Government acted in this respect on the same principle, however different might be the means by which they proposed to attain the object. There was nothing in the Administration of the Duke of Wellington inconsistent with a pacific policy, and he heard the noble Earl, at the head of the present Government, express his approbation of all that had been done under the late Government after the revolt of the Belgians. He would not, however, go into the case of Belgium, except to observe, that if any embarrassments had arisen in the progress of negotiations for arranging the differences between Belgium and Holland, they were not attributable to the Duke of Wellington's Administration. The great sources of difficulty seemed to be the settlement of the debt and the navigation of the rivers, and those had arisen since the present Ministers came into office. The Ministers themselves admitted that they were in a state of embarrassment with respect to Greece; but as the papers which had lately been laid before the House would require an ample discussion, he should, on the present occasion only say, that, at all events any conflict in the affairs of Greece could not be traced to the Duke of Wellington, as our first interference with that country originated with Mr. Canning, of whose Administration the present Foreign Secretary was a Member. With respect to Poland, the noble Lord, the Chancellor of the Exchequer had promised, that as soon as the documents connected with the subject should be received from the Russian Government, he would be ready to state what were the views of the present Ministers upon that important subject. He should not enter into the case of Portugal, but wished to ask one or two questions. He doubted, whether in the affair of Portugal, Ministers adhered to the principle of strict neutrality between the two contending parties. He confessed, so far as he understood this case, the instructions given to the British ships and the British force were such as the nature of the case warranted and called for. These instructions were, that they were to take no part in the business; that they were not to interfere unless Spain did. But he wished to ask whether the British ships on that station did not give some countenance to Don Pedro's squadron not quite consistent with the principle of strict neutrality, and whether there was not one of our ships of war present when Don Pedro was landing? If such was the fact it might be considered to be a breach of neutrality, as it implicated us in the captures that were made in our presence; and the same observation would apply to the force before Lisbon, which might be construed into forming part of the blockading force. He did not say that circumstances had actually occurred to implicate his Majesty's ships, but it was important that a satisfactory explanation should be given, to remove all doubts upon the subject. He should also like to know whether an English officer who accompanied Lord William Russell had proceeded to the quarters of Don Pedro, for that certainly did not bear the character of neutrality. It was important to ascertain with certainty the principles on which Government were now acting with respect to the question of interference, that the House might see how far they differed from, or were consistent with, the principle of our former policy. He had now before him the declaration made in the first case of interference, by Mr. Canning and Lord Castlereagh. In the year 1820, when the state of Spain was such as called for, whether justly or unjustly he did not pretend to say, the interference of France, the same language was held by England respecting the principle of non-intervention, and the case in which only a departure from that principle could be justified. The language of the document in which the sentiments of the Government of this country were recorded had, he knew, the full concurrence of Mr. Canning, who, he believed, had taken part in the preparation of the document. The principles then laid down were applicable to all circumstances. It stated: 'The present state of Spain, no doubt, 'seriously extends the range of political 'agitation in Europe, but it must nevertheless be admitted, that there is no portion 'of Europe of equal magnitude, in which 'such a revolution could have happened, 'less likely to menace other States with 'that direct and imminent danger, which 'has always been regarded, at least in this 'country, as alone constituting the case 'which would justify external interference.'* Now he desired to know from the noble Lord whether the Papal States were in that condition which, menacing this country with direct and imminent danger, could alone justify interference. He knew that the interference with the internal affairs of Greece had been justified on the plea that it was the land of Homer. Perhaps a justification might be found for interfering with the internal affairs of Italy on the plea that it was the country of Virgil; but he was

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* Hansard (new series) vol. viii. p. 1137.

John Bull enough to direct his solicitude in the first instance to taking care of the land of Milton. In the year 1821, when Lord Castlereagh was separated from Mr. Canning, the policy of England was explained in similar terms with reference to the invasion of Naples by the Austrians. It was then stated by Lord Castlereagh: "No Government can be more prepared than the British Government is, to uphold the right of any state or states to interfere where their own immediate security or essential interests are seriously endangered by the internal transactions of another state. But, as they regard the assumption of such right as only to be justified by the strongest necessity, and to be limited and regulated thereby, they cannot admit that this right can receive a general and indiscriminate application, to all revolutionary movements, without reference to their immediate bearing upon some particular state or states, or be made prospectively the basis of an alliance."[*] He could not but observe that it was rather a curious circumstance that Austria and Prussia, if he had been rightly informed, had concurred in recommending this parliamentary reform to the Pope which it was said the French troops went to enforce. This showed that these states were not actuated in the whole of their conduct by that abstract love of despotism which had been represented as their only moving principle, but that a rational regard for self-preservation and self-interest governed their conduct as it did the conduct of others. Why should not his Holiness the Pope have credit for the same feelings? In the Verona correspondence, again, the same principles would be found laid down very explicitly. Mr. Canning then said 'We disclaim for ourselves, and deny for other powers, the right of requiring any changes in the internal institutions of independent states with the menace of hostile attack in case of refusal.'[†] He should beglad to find that this country had not been a party to any such measure against the Papal States. The next authority he would take the liberty of quoting to the House was that of Earl Grey himself. The noble Earl had publicly delivered the following dictum upon the subject:—"He knew of no principle more odious and unjust than that of dictating a change of constitution to a foreign state." He forbore to inquire what that constitution was, by whom adopted, or by whom acknowledged. The noble Earl further said, that "it was enough for him to find a constitution established in any country to prevent his interfering with it;" and that, "Reformer as he was, he would not consent to a Reform dictated by a foreign power."[*] Upon another occasion Earl Grey had declared, that "Whenever the circumstances of a state, or any particular occurrences with regard to it, endangered the safety of a neighbouring power, that power was justified, upon the ground of self-preservation, in interfering. That was the only ground upon which any man having any pretensions to the name or character of a statesman would think of resting a justification of interference with the internal affairs of another state." He had now produced ample authorities in support of his doctrine, and he hoped the noble Lord opposite would be able to show that the principle established by these authorities had not been contemned and departed from in the foreign policy of this country within the last two years. If he adverted to the question of the Russian-Dutch Loan, he could assure the House it was not with the intention of dwelling upon it. He had but a single observation to make. The right hon. Gentleman, the Secretary for Ireland (Mr. Stanley), had thrown out a bait to the Opposition side of the House, which would have been successful if offered at the proper time. He had appealed to them to say whether, as men of honour, they would have refused to pay the money in question to Russia. He had no hesitation in saying that he believed under similar circumstances he should concur in the payment of such money. But under what circumstances had they been called upon to vote the other night? It was a case requiring information. The fullest information ought to have been laid before the House, but his Majesty's Ministers refused to give them any. He therefore had felt himself justified in voting in the minority, although, he believed, that, had he been in his Majesty's Councils he should have taken the same course as his Majesty's present Ministers had done. It was only by an equitable interpretation of the treaty, combined with a conviction, that the late conduct of Russia with regard to Belgium was in the spirit of the treaty, that she could be entitled to receive the money. And the equity of the treaty could only be ascertained by reference to all the circumstances which the papers moved for would have disclosed. He held himself, therefore, perfectly justified in his vote; and he hoped the day would arrive when the whole of the transaction with respect to Ministers would be satisfactorily explained to the House. When that period should arrive he hoped that it would be shown that our ancient ally, Holland, had not been ill used. They might justify the language of taunt and sneer in which Holland had been alluded to, but he could assure the right hon. Gentlemen opposite that such language had strengthened the belief out of doors in the unmerited ill-usage of that country. He could not but express his disapprobation of that part of the transaction which related to the guarantee of this country of the integrity and inviolability of Belgium. He protested against it in conformance with the pacific principle with which he set out. The late Sir James Mackintosh, in a speech which he delivered upon Portugal, went out of his way to condemn the practice of guarantees, whereby he observed a country often brought war upon itself a century after all interest in the transaction on the part of the guaranteeing power had ceased. What was proposed to be gained by such a guarantee? Was there any continental power not just as well disposed to respect Belgium without as with the guarantee? If Russia and France were to go to war, and either violate the territory of Belgium, would England, Prussia, and Austria, go to war, on that account? It was more probable that if Russia and France were to go to war, the other Powers of the Continent would join on one side or the other; and it was extremely improbable that, in that case all four Powers would respect the neutrality of Belgium to avoid the hostility of England. But it would be much better to stipulate for the neutrality of Belgium, when the occasion should arise, as had been done in the Polish war, just a century ago. They had been told that the policy of England was, to keep Belgium out of the hands of France, and that that policy had dictated the Treaty of Vienna. But was it not also a substantive object with the parties to that treaty to give Holland greater territory and power than she had before? If this were so, then had the late arrangements been decidedly against the settled policy of this country and of Europe. He had taken the liberty of putting these questions to the noble Secretary of State for the Foreign Department in the hope that he might be able to give satisfactory answers to them. He had been actuated less by a spirit of hostility than he should, perhaps, receive credit for. He could assure the noble Lord that the deep concern he felt for the honour of the country in the estimation of foreign states was much stronger than his feeling of hostility to the Government, although he should not be guilty of the affectation of saying that he felt no hostility towards the Ministers. He, therefore, assured the noble Lord that it would give him sincere pleasure if, in answering these questions, he should be able to satisfy the House and the country that he had pursued a pacific policy, and that he had not sanctioned or concurred in any interference with other states which the cases did not fully justify. The right hon. Member concluded by moving as an Amendment to Mr. Bulwer's Motion to leave out from the word "that" to the end of the question, in order to add the words "he will be graciously pleased to give directions that there be laid before this House Copies of any representation made under his Majesty's authority, or by other powers with his Majesty's concurrence, to the Papal Government, in the years 1831 or 1832, concerning the internal affairs of the Pope's dominions; and Copies or Extracts of such Communications as have taken place between his Majesty and the Austrian and French Governments relative to the occupation of a part of the Papal dominions by the troops of those Powers; also, the dates of the ratification of each Power respectively of the treaty between his Majesty, the emperors of Austria and Russia, the king of Prussia, and the king of the Belgians, concluded on the 15th of November, 1831," instead thereof.

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[*] Hansard (new series) vol. viii. p. 285.

[†] Hansard (new series) vol. viii. p. 294.

[*] Hansard (new series) vol. viii. p. 1235.

Colonel *Evans* was glad to find that the right hon. Gentleman who had just sat down, had taken the affairs of Europe under his special patronage. The right hon. Gentleman maintained, that France had no right to send the expedition which had been sent to Ancona. Now, he (Colonel Evans) would maintain, on the other hand, that France was perfectly warranted in sending that expedition to Ancona. He hoped that the good of mankind, and of Europe would be promoted by that expedition, and he trusted that the French troops would not be withdrawn from the Papal dominions until the Austrian troops were also withdrawn, and until the great object of sending the French troops there, namely, the establishment of peace and good order in the Papal states, so as to preserve the tranquillity of Europe, had been finally accomplished. The right hon. Gentleman had referred to that now somewhat stale topic, the Russian-Dutch loan, and in doing so, he had candidly admitted, that if he stood in the shoes of his Majesty's Ministers, he should have felt himself bound to continue the payments of that loan. It would have been well if the candour of the right hon. Gentleman in that instance had been imitated by the other Members of that party with whom he acted, as the House and the country would, in that case, have been spared much useless discussion. The right hon. Gentleman next proceeded to Portugal, and he arraigned his Majesty's Government because one of our frigates had been present at the disembarkation of Don Pedro's forces at Oporto. Why, the same argument would apply with equal force to the presence at this moment of a British fleet in the Tagus. Was it possible that the right hon. Gentleman did not see that the object of the presence of a British fleet in the Tagus, and of a British frigate at Oporto, was one and the same, namely, the protection of British interests and British property, and the strict enforcement of neutrality with regard to both? The right hon. Gentleman had also condemned what he supposed would be the effect of the presence of an officer of ours connected with the mission to Lisbon having been sent to the head-quarters of Don Pedro. Now, if he (Colonel Evans) had any thing to charge against his Majesty's Government on this head, it was because it had refrained from making the same recognition of the rights of the Queen Donna Maria, and of that army which, under her standard at present, was in occupation of a large portion of Portugal as it had done of the government of Don Miguel. If the rights of the two brothers, Don Pedro and Don Miguel, were equal, and if we had sent a diplomatic agent to the head-quarters of Don Miguel, it was obvious that we had an equal right to send a diplomatic agent to the head-quarters of Don Pedro. The principal object which he (Colonel Evans) had in rising on this occasion, was to refer to an article which had appeared in one of the papers of that morning. They had been informed by a despatch, published a few days ago, that a Colonel Hodges had distinguished himself in a most honourable and gallant manner in the service of Don Pedro, in a late action near Oporto; and, for his part, he thought that the French and English who had so gallantly embarked in such a cause, were entitled to the highest praise and honour. However, there were persons who might take a different view of the matter, and there were one or two journals in the metropolis, in the interest of Don Miguel, which of course did so. He did not quarrel with those papers in condemning, if they so thought proper, the conduct of those French and English who took part with Don Pedro, but he thought it was highly unjustifiable for them to resort to the publication of unfounded calumnies and insinuations against them. With regard to this gentleman of the name of Hodges, who had been thus attacked that morning in one of the journals in the interest of Don Miguel, he (Colonel Evans) begged to take that opportunity to say, that he knew the gentleman of that name, and that he was not acquainted with any individual of more gallant or unimpeachable conduct—of conduct more becoming the gentleman and the soldier. With regard to the motion of the hon. member for Coventry, he thought that it had been fully justified by that hon. Member—that he had satisfactorily established his case, and completely sustained the objects and grounds of his Motion. The question was, whether those princes, or their representatives, who had assembled at the Diet of Frankfort, had or had not violated the rights and privileges of those different states of Germany, to the preservation of which rights we, as a party to the Treaty of Vienna, were a guaranteeing power; and whether the preservation of the independence of those various states, situated as they were in the heart of Europe, was not absolutely necessary, not only for the honour of this country, but for the maintenance of the rights of Europe, and the preservation of the independence of mankind. His noble friend, the Secretary for Foreign Affairs, it appeared to him, had not adduced any arguments to rebut the statement of his hon. friend, the member for Coventry, on that head. His noble friend admitted our right to interfere in this instance, but he denied the discretion of doing so. He believed, in fact, that his noble friend did not so much deny the discretion of our interference, as the discretion of interfering in the way proposed by the present vote. Indeed, he happened to know, from foreigners connected with the diplomatic missions in this country, that the noble Lord and his Majesty's Government, though they had not thought it prudent or expedient to say so in their places in Parliament, had already interfered in a manner that did them much honour, and which he hoped might eventually lead to results of the most gratifying description. The hon. Member concluded by expressing his determination to support the Motion, as he conceived, after what had been done by the king of Hanover, that this country was imperatively called upon to interfere in the way proposed.

Mr. *Hume* said, that he had heard with great satisfaction, a considerable portion of the speech of the noble Lord (Lord Palmerston); but he regretted, at the same time, that the noble Lord had not directed himself more to the principal part of the speech of his hon. friend who had brought forward this Motion. The question was, whether the privileges of those smaller States of Germany which had been guaranteed by the Powers of Europe by the Treaty of 1815, and by Great Britain amongst the rest, were destroyed, or in danger of being destroyed? Now, if anything could be more inimical to the feelings, and injurious to the interests, of the people of England and Germany, it was, that the military despots of Russia, Prussia, and Austria, should be permitted to immerse Europe once more in the darkest ignorance, by putting down the Press, by extinguishing all means of instruction, and by crushing altogether the spirit of liberty and independence. The noble Lord admitted, that great alarm existed in this country on this subject, and there was no doubt that such was the case, for we stood in this peculiar situation. The present Government had declared its determination to adhere as far as possible to the principle of non-interference in the affairs of other countries; but as far as he had been able to give his attention to its proceedings, it appeared to him that there had been nothing of consistency in its conduct in that respect. In fact, it appeared to him that the present Government was ready to interfere whenever it suited its convenience to do so, and that, when, as on the present occasion, it did not suit its convenience to do so, it was always ready to come forward with some excuse for its conduct. He (Mr. Hume) had always said, that the policy of England was to avoid a meddling interference in the affairs of other states, and it appeared to him, that whenever we had interfered, we had done so mischievously. We had incurred great expense in that way—we had, during thirty years, been the constant dupes of promises, and our interference during that period in continental affairs, instead of having been productive of good, appeared to him to have been followed by great evil. He feared that even our interference in the case of Belgium would be productive of no benefit either to this country or to Belgium. But if we had thought fit to interfere as regarded Belgium, and as regarded the Pope, he thought that those who had done so could produce no argument to justify their non-interference in this case. It was plain that we in England were not compromised by what the king of Hanover might do, and it was equally plain that the King of England was not at all bound by what the king of Hanover had done. He was ready to admit with the noble Lord, that considering Hanover as separate and apart from this country, there was a great distinction to be drawn between the acts of the king of Hanover and the acts of the king of England, but the majority of persons would not be able to appreciate the justice of such a distinction, more especially when they found that the King of England as king of Hanover, on the 10th of May last, gave his assent to that infamous Protocol of the Diet of Frankfort, which aimed a deadly blow at the liberties of Europe—which at once put down the Press—which introduced military force to overawe the lesser states of Germany, and to crush their independence—and which effected a complete destruction of those rights and privileges which had been solemnly guaranteed to them by the Treaty of Vienna. True it was, that his Majesty's Ministers, as Ministers of the King of England, were not responsible for such conduct; but it was equally true, that the noble Lord, as Minister for Foreign Affairs to this country, should have entered his protest in stronger language, and in a more forcible manner, than he had done that night, against the proceedings which had been adopted by the armed despots of the Continent for the purpose of crushing the independence of the smaller states of Germany. If we should ever admit the expediency of this country interfering in the affairs of Europe, it was when the liberties of Europe were about to be destroyed; and if ever our interposition was justifiable and imperative, it was when it was required for the preservation of the privileges and rights of the smaller states of Germany. He for one thought that it was calculated to throw doubt and suspicion on the head of the Government of this country, that when the liberties of Europe and the rights of mankind were menaced with destruction by a conspiracy of armed despots—when every sort of freedom and independence was put down in the lesser States of Germany—when their different assemblies were no longer to be allowed the expression of their opinions, and when those states were about being placed under complete subjection by the military forces of the despots of Austria and Prussia, this country did not at once come forward and raise its voice against such iniquitous proceedings. Did the noble Lord think that if those military despots should succeed in doing that which he had admitted they had no right to do—namely, in crushing the independence of the lesser states of Germany—did the noble Lord imagine, that if that should come to pass, the people of England would be content or satisfied at finding that the King of England, the Sovereign of a free country, was a participator in such a measure—a measure that would be sure to excite the execration of the civilized world? He had always regretted the connexion of England with Hanover, for that connexion had been an unceasing source of evils to this country. He was sorry to see the Government of England about to lose its reputation in Europe as a liberal Government, and as the protector of liberal institutions; and that, too, at a moment when the people of England had just secured for themselves the maintenance of their own rights and privileges. He was sorry to see our good name thus endangered by our unfortunate connexion with Hanover. It was impossible for any man to believe that the King of England could be sincere in maintaining the privileges of Europe, when they found him, as king of Hanover, giving his assent to a measure which went to put down liberty, not only in Hanover, but in all the minor States of Germany. If Germany should be thus overwhelmed and overrun by the armed forces of military despots, what security had they that France would not be made the next object of attack; and could they be quite certain that they had nothing to fear themselves? It was only requisite to devote an ordinary degree of attention to the conduct of those despots, to perceive that the measures which they had just commenced in France were finally intended to put down liberty in France, and if that was the case (and who could doubt it?) would it not be better for England that his Majesty's Ministers should at once express their abhorrence, in the strongest possible language, of such conduct, and at once exert the influence of this country (if we did not possess influence on the Continent, we had at all events paid for it) in putting a stop to such proceedings? He trusted that the spirit of Germany would itself be aroused, and that those military despots would be stopped in their atrocious efforts to crush the liberties of Europe. The measure with which they had commenced was a flagrant violation of the Treaty of Vienna. Let any man read the 18th Article of that Treaty, and he would find that by it the liberty of the Press was sanctioned in every State in Germany. How was that to be reconciled with the Protocol of the Diet of Frankfort, which utterly proscribed the liberty of the Press, and under which, as he had been informed, several ably-conducted journals had been already put down in different parts of Germany, contrary to all law, and without even the usual legal forms? Their sole crime was the expression of the public opinion. He knew it was unnecessary for him o state, that Earl Grey and his associates had nothing to do with the proceedings of the king of Hanover; but it would be found difficult, in the opinion of the people, to separate the conduct of the king of Hanover from the conduct of the King of England. He wished, therefore, the noble Lord had been more explicit in declaring the opinions, not of the king of Hanover, but of the Government of England, and to adopt such measures as were calculated to rouse a people to overcome that oppression which threatened them. The noble Lord ought to do this, more particularly at a time when England was congratulating herself on the glorious privileges which she had recently attained; for when the people of England saw Poland sacrificed almost without a word of remonstrance—when they saw this succeeded by a new attempt to extend a sphere of tyranny, and to reduce under the dominion of despotism a country so worthy of freedom as Germany—would they not begin to consider these transactions as part of a systematic attack upon the liberties of all the free European states? Where, indeed, was this to stop? No man could tell; and unless the Government took every measure to express their strong disapprobation of this gross infraction of the treaty, they would be shrinking from their duty. The noble Lord said, he could not agree to the Address. He could not conceive what objection could be taken to it. Such objection was contrary to the general tenor of the noble Lord's speech; if there existed matter requiring discretion not stated, that was no reason why the power of the Government to interfere discreetly and efficaciously should not be increased by an Address from that House. Such an Address would, in point of fact, materially strengthen the hands of his Majesty's Government, and give additional weight to their remonstrances. In conclusion, he begged leave to congratulate the hon. member for Totness on the candid avowal made by him, that if Ministers had been beaten on the question of the Russian-Dutch Loan, and the Tories had come into power, they would have felt themselves under the same obligation to pay the money. He did not know what the right hon. Gentleman's friends, the Tories, would say to him, but the right hon. Gentleman's statement completely proved that he had taken a right view of the question, and given a correct vote. Every post brought Tory papers from the country, in which Hume and extravagance were placed in conjunction; but he could see as far into a millstone as another, and he felt that he was acting for the advantage of the country in refusing to be made the tool of so obnoxious a stratagem. He gave his cordial support to the Motion.

Mr. *Wyse* said, that Tory England had been constantly interfering in the affairs of the Continent, and opposing continental liberty, and he did not see why liberal England should not interfere to protect it. He thought this one of the strongest cases to justify an interference. In discussing this question, the House ought to consider whether it was possible for England to separate her interests from those of the Continent. Although her position was insular, there was not a movement that could take place amongst the nations of Europe, which must not have some tendency to affect our free institutions. It became that House of Parliament, therefore, to express its reprobation of the acts which had taken place lately in the Diet of Frankfort. The protocol of that Diet violated not only the indefeasible rights of man, but those rights as sanctioned and guaranteed by the Treaty of Vienna. The question was, whether despotism or liberty should prevail in the civilized world? That was no subject for indifference; and though there was danger in war, yet he thought war was not the only danger to be feared. The triumph of despotism was yet more dangerous. The House of Commons ought to come to the determination of deprecating such conduct in the first instance, so that if subsequent circumstances should bring us into the conflict, we might be able to say, that from the very first we took our stand against it. The peculiar situation of Germany made the preservation of its independence of the greatest importance to every free state in Europe. It formed a barrier between the barbarous power of Russia on the north and the free states of the south, whilst from its literature, its knowledge, and its civilization, it became a moral as well as a physical barrier—a guarantee for and a guard of the liberties of the southern states of Europe. On this ground, if there were no other, she ought to be properly and energetically supported. If we surrendered her up—if we did not interfere—he meant morally, for the moral power of England was great even with the despots—unless we expressed our sense of what was going forward, Russia would trample on Germany, and advance her legions to the frontiers of France. Nor did he see how France could resist Russia, combined as she would be with the powers of Austria and Prussia. In his opinion, these hostile demonstrations to France called for serious consideration. He thought that the people of this country should not have their name bandied about among the nations of the earth as the great possessors of free institutions, and the great protectors of those who aspired to possess them, while, at the same time, they set their face against the efforts of freemen throughout the Continent. The name of England had been stained in Italy, and stained in the north. They were taunted with the course they had pursued towards Portugal—taunted with the course they had pursued towards Belgium—and last, although not least, they were taunted with their conduct towards Poland, now, unhappily, almost erased from the list of states, and deprived of her nationality, and even of her language. These were some of the consequences of that policy, which he thought called loudly for a change, consistent with the character of the country and the wishes of the people.

Viscount *Palmerston* felt desirous to make a few observations in reply to those which the hon. member for Totness, and other hon. Members, had addressed to the House. He wished, in the first place, to advert to what had fallen from the hon. member for Middlesex. It was important that it should be well understood, that for what the king of Hanover had done, at the instance of his constitutional advisers as king of Hanover, the constitutional advisers of the King of England were no more answerable than were the advisers of the king of Hanover answerable for what was done by the king of England. But he (Lord Palmerston) would be wanting in the performance of his duty to the House, if he did not take that opportunity to assure it, that the king of Hanover was as much alive to the constitutional principles on which the throne of Hanover was founded, as ever the King had been to the principles on which his throne was founded since his accession to it; and if a proof were required of that statement, it was to be found in a fact which he had reason to know was well founded, though, of course, he had not had official knowledge of it—namely, that subsequently to the period when the king of Hanover had given his assent to the resolutions of the Diet of Frankfort, he had transmitted a communication to the states of Hanover, the object of which was to confirm and enlarge the privileges granted to his subjects there. So far, therefore, from the king of Hanover doing any thing to destroy constitutional principles in Hanover, it was plain from this fact, that he was anxious to maintain them there, as he was anxious to maintain them as king of England, in this country; and the communication to which he (Lord Palmerston) had just referred, was, he believed, at that moment under the consideration of the states of Hanover. He begged to remind the hon. member for Totness, that the pledges given by his Majesty's Ministers, on their accession to office, were Reform, Retrenchment, and Peace, and that there was nothing about non-interference. [Mr. *Courtenay* said "Non-intervention."] He should not talk of non-intervention, for it was not an English word. The principle of interference meant either interference by force of arms, or by friendly counsel and advice. Now, he thought, the principle for this Government to proceed upon, was that of non-interference by force of arms in the affairs of any other country; but he did not think that we should be precluded, where it was expedient for us to do so, from interfering by friendly counsel and advice. When we talked of the principle of non-interference, it meant that it would not be expedient, on the part of this Government, to interfere by force of arms to dictate to any other state with respect to its internal affairs. That was the principle on which his Majesty's Government had acted in the cases referred to, though they had not abstained from proffering friendly counsel and advice. It was at the joint request of Austria and France, that his Majesty's Government had in that way interfered to restore tranquillity to the Papal states, but they never contemplated any recourse to arms on the rejection of any advice which they might give. They had merely interfered as a friendly power, and, as he had said, at the instance of Austria and France, who might be benefited by the mediation of a neutral and disinterested power. He was sure that the course which had been taken had contributed to the preservation of the peace of Europe. The right hon. Gentleman said, that the Government, not content with the Reform Bill at home, had tendered to the Pope a representative constitution, but he should recollect that the memorandum to which he thus alluded had been agreed to by Austria, Russia, and Prussia. It was, therefore, obvious that all the interference that had been experienced by the Italian and Papal states was founded upon the most friendly feelings, as well as upon the desire which was felt on the part of the British Government to preserve the peace of Europe. With respect to Belgium, it had always seemed to him that the most important consideration attached to the independence of that country was the maintenance of a strict neutrality on her part, and the prevention of her again becoming the theatre of war on which the great continental Powers might, as heretofore, fight out their national quarrels. It was of the greatest importance to the preservation of the general peace, that the Belgian territory should be rescued from the possibility of becoming again the scene of war; and it was of equal, if not greater, importance, that France should, as she now had done, assent to the necessity of, and become a party to, the maintenance of the neutrality of Belgium. As to Portugal, and to the encouragement, or rather the interference, which was imputed to the present Government in the present struggle in that kingdom, he had only to say that England had taken no part whatever in the affair, save only to prohibit, or rather to deter, the Spanish troops from interfering in the quarrel. It ought not to be forgotten, however, that there were British residents both at Lisbon and Oporto, whose commercial relations with Portugal compelled them to remain there. Those persons were entitled to the protection of Great Britain, and it was, therefore, the duty of the British commanders to afford them that protection. They had wished that the British force should come up into the harbour, but acting under the instructions of his (Lord Palmerston's) right hon. friend (Sir James Graham), the British Admiral did not conceive himself at liberty, even to this extent, to comply with the wishes of the British residents. The presence of our fleet in that quarter, he must beg to say, was the whole extent of the interference of the naval force at Oporto; and that force gave no protection, nor any assistance, towards the landing of Don Pedro's armament. Lord William Russell, so far from lending his countenance towards Don Pedro's enterprise, sent an officer to his head quarters with an exact detail of the orders which had been transmitted to him from his Government, which officer, after delivering his message, was despatched to the Spanish frontier, in order to watch the movements of the Spanish forces, and, so far from there being a feeling on the part of the Portuguese or Spanish Governments that Great Britain was affording any assistance to either of the contending parties, the very reverse was the fact; for there was so good an understanding between the several governments, that the officer charged with the duty to which he had referred, proceeded on his mission with the consent of both parties. In conclusion, he begged to say, that the present Government was quite as ready as the preceding, or any other Government, to afford information to the country on the subject of their foreign policy; but hon. Members must be aware, that the demand for information on this subject might be carried so far that, if complied with, the result might be injurious; as negotiations were often in the course of settlement which, if publicity were given to them, would be broken off, to the great detriment of the national business.

Mr. *Courtenay* had, with respect to the Russian Loan given two votes. He concurred with the right hon. member for Tamworth in voting against further proceedings till more information was laid before the House. He should, if the circumstances were repeated, act again in the same manner, and there was no difference of opinion between him and his friends, as the hon. member for Middlesex insinuated.

Mr. *Henry Lytton Bulwer* expressed the pleasure he felt at hearing the sentiments adopted by the noble Lord, which, he was sure were well worthy of him, both as the eloquent defender of Portuguese liberty, and as filling the high station which he held as the foreign Minister of this country. At the same time he could not quite concur in the opinions of the noble Lord. The noble Lord said, that interference was of two kinds—interference by force of arms, and by friendly advice. Having made that observation, he should have been glad to have heard something from him with reference to the advice which he gave, when the resolutions of the German Diet were known to the King of England. The noble Lord said, that it might be wise and politic to interfere, if, by so doing, we could preserve our own interests, and secure the provisions of a treaty; and that, under certain circumstances, we might be called upon to interfere if any other of the powers of Europe had acquired an overgrown share of power which might give cause for a just claim. The noble Lord also said in effect, that if the Treaty of Vienna had been violated, and if the preservation of peace could have been secured by our interference, we should have been justified in interfering. The noble Lord allowed that unnecessary interference on the part of other states, had taken place, but that there was not sufficient ground for us to come to any strong resolutions on account of the infractions of the Treaty of Vienna. Having admitted what the objects of the treaty were, and having admitted that they were interfered with, it appeared to him a fair question, whether his Majesty's Government were not called upon to accede to the Motion which had been made to-night? The noble Lord admitted that the present condition of the Continent was likely to lead to serious results. If so, might it not fairly be attributed to the course which had so been pursued? We had allowed the king of Holland to dictate to us; we had taken no strong measures against him; and Europe was in a state which daily appeared more likely to lead to a war. With regard to Spain, we had taken a decided part; we told her that she should not enter Portugal; she, for a long time, declared that she would; but in consequence of our adopting this course, Spain did not interfere. The case of Holland was different; we held strong language, but never followed it up: and the result was different. With reference to the policy pursued by Mr. Canning, he could assert, that Mr. Canning was generally spoken of abroad as the Great Radical of Europe. He took a firm and decided course, and separated this country from the Holy Alliance. The noble Lord admitted that other states had unnecessarily interfered with other powers, and interfered, because those states adhered to what were called "liberal opinions." And we, therefore, who professed to entertain liberal opinions, should have interfered also. He apprehended that on the three grounds of the Treaty of Vienna, the preservation of peace, and the objects which seemed to guide the policy of the other states, no objection could fairly be made to his Motion. Under all these circumstances, although he was not inclined to divide the House, he must press the Motion.

Viscount *Palmerston* had no objection to grant the papers giving the dates of the ratification of the Belgian Treaties, but he must object to the other portion of the Amendment of the Member for Totness.

Mr. Courtenay's Amendment, requiring Copies of the Representations made by his Majesty's Ministers on the disputes between the Papal Government and its subjects, and with respect to the internal affairs of those States negatived; as was also the original Motion.

Mr. Courtenay then moved for Copies of the Dates of the Signatures to the Ratification of the Treaty of the 15th of November, 1831, as they were given by the Allied Powers of France, Prussia, Austria, and Russia.—Ordered.

The Lord Chancellor's Salary.] Lord *Althorp* rose for the purpose of making the Motion, of which he had given notice, respecting the salary and retiring pension of the Lord Chancellor. With regard to the pension, however, although sinecure places were to be abolished, from which former Lord Chancellors had derived great emolument, his noble and learned friend had declared, that he would not agree to any increase of that pension, and even that he would give to any proposition for such an increase, his decided opposition, until Parliament had considered the subject, and had disposed of those places, as appeared to them to be fitting. His (Lord Althorp's) present proposition was, that the salary of the Lord Chancellor, as Lord Chancellor, should be 10,000*l.* charged on the Suitors' Fund. The Committee, to whom the subject had been referred, had recommended that his noble and learned friend's salary, as Lord Chancellor, and Speaker of the House of Lords, should be 14,000*l.* The average annual amount of the emoluments enjoyed by the Lord Chancellor, as Speaker of the House of Lords, was 4,000*l.* His proposition, therefore, strictly accorded with the recommendation of the Committee. From all the inquiries which he had made on the subject, it appeared, that, although for the last few years the salary and emoluments of the Lord Chancellor, and Speaker of the House of Lords, had not much exceeded 14,500*l.*, yet that sum was much below what had been the general produce of those offices. The proposition, therefore, of 14,000*l.*, was a considerable reduction. Let this salary of a Judge, who was removable at pleasure, be compared with the salary of the Lord Chief Justice of the Court of King's Bench, who held his office for life, and who, although his salary was nominally but 10,000*l.*, had a sinecure place in his gift, which was equivalent to an additional 3,000*l.*; and he (Lord Althorp) did not think that his proposition would be considered extravagant or improper. His noble and learned friend had lately been attacked, and most unjustly attacked. Having stated, that it was his full intention to abolish places of considerable emolument belonging to his office, the reward his noble and learned friend had received was, to be attacked as if, on the contrary, he had intended to reserve those places. How inconsistent was the conduct, thus unjustly imputed to his noble and learned friend, with the conduct which his noble and learned friend had actually pursued with reference to the Bankruptcy Bill. In that case his noble and learned friend had sacrificed 6,000*l.* a-year; leaving it entirely to Parliament to make whatever arrangement it might think proper on the subject; although no arrangement had yet been made. After such a sacrifice, it certainly was not too much to claim for his noble and learned friend, the admission that he did not act from corrupt motives. It being distinctly understood in the House, when this subject came under discussion before last Christmas, that his noble and learned friend should not suffer from the abandonment of salary which he had made in the case of the Bankruptcy Bill, he (Lord Althorp) should now propose, and was persuaded that the House would perfectly agree with him in the propriety of the proposition, that the salary about to be settled by the House should bear date from the time at which the Bankruptcy Bill came into operation. The only objection which he could at all anticipate from his Motion was, to the fund upon which it was proposed to charge this salary. Upon deliberate consideration, it had been determined to make it chargeable on the accumulations of the Suitors' Fund; introducing a provision in the Bill, to guard against any injury to the claims of the suitors. The noble Lord concluded, by moving for leave to bring in a Bill to make provision for salaries to the Lord High Chancellor of England, and to the Vice-Chancellor of England, in lieu of fees heretofore payable to the former.

Mr. *Hume* said that, when the noble Lord (the Lord Chancellor) had been attacked for having appointed his brother to the places vacated by the death of Mr. Scott, the declaration of his renewed intentions with respect to their ultimate abolition had been perfectly satisfactory to him, and had convinced him of the sincerity of the noble Lord's former expressions on this subject. It was nine years since he had proposed for the first time in that House, that a fixed annual sum should be paid to the Lord Chancellor, in lieu of the fees by which that functionary was principally remunerated. His motive for proposing this change in the mode of paying that officer for his labour was founded on the belief, that the system of fees actually gave the Lord Chancellor an interest in maintaining the abuses of his Court. With respect to the salary now proposed by the noble Lord opposite, as a remuneration for the Chancellor, he was of opinion, that in common with all the salaries attached to the high State offices, it was pitched too high, and, in his opinion, the present condition of the finances did not warrant the continuance of such high salaries. When the sum of 12,000*l.* nett annual salary, was compared with the annual income of many of the landed proprietors, he did consider that no man ought to have more. He was one of those who had voted for the sum of 12,000*l.* in the Committee on these salaries, because he was of opinion that the sum of 14,000*l.* was taken from too high an average—namely, solely from the three years of Lord Lyndhurst's official receipts. When the salary of the Lord Chief Justice was brought forward in justification of the amount proposed by the present Bill for the Chancellor, it ought not to be forgotten, that that amount was given to him because he personally suffered by the abolition of several offices and fees, which he had theretofore enjoyed, and it was never understood that such an amount of salary was to be permanently attached to the office of Lord Chief Justice. He looked upon the amount of the proposed retiring pension for the Lord Chancellor, to be much too high. When it was recollected, that the late Lord Chancellor (Lord Eldon) retired from office, after having received more than half a million of money, with a pension of 4,000*l.* a year, and that there was a possibility of three Ex-Chancellors receiving at the same time each his retiring pension of 4,000*l.* a year, he thought the House would agree with him in saying, that the finances of the country were not able to support such an accumulation of charges. At all events, when the subject of the Lord Chancellor's retiring pension was to be settled, he hoped the noble Lord opposite would not propose that it should be more than 4,000*l.* a-year. With respect to the fund out of which it was proposed to make the payments of this salary, the noble Lord had mis-stated the sources from which this fund was derived. The fact was, that it was an accumulation of money which had been got together partly by a want of justice towards those whose property it was, and partly also by a process similar to that, by which the unclaimed dividends had been produced. He was of opinion, that the Suitors' Fund ought to be appropriated to the same purposes as the unclaimed dividends—namely, carried to the public credit contingently, and that the salaries now proposed to be charged on it, ought to come annually before Parliament, and to be defrayed by a vote of that House. He could not forbear from pressing on the noble Lord the propriety of charging these salaries on the Consolidated Fund instead of meeting them by an out-of-the-way payment, which escaped observation altogether.

Mr. *Hunt* concurred in the opinion of the hon. Member who had just sat down, that 12,000*l.* paid in gold was quite sufficient salary for any public officer, and that a retiring salary of 4,000*l.* paid also in gold was equal to 5,000*l.* in paper. If the present proposal was to be looked upon as an act of retrenchment on the part of Government, he must confess his hopes on that score were disappointed. It had been urged in support of the amount of salary to the Chancellor, that he had sacrificed 6,000*l.* a-year in giving up the bankruptcy business; but in giving up his fees he had also got released from the duties annexed to their receipt; and as to the sacrifice of patronage, why, the sacrifice amounted only to this, that the noble Lord had obtained in lieu of his former patronage, the gift of the several appointments and offices established by the Bankruptcy Bill, and by which he had been enabled to provide for a greater number of his friends, than any preceding Chancellor had ever had the power of doing.

The *Attorney General* observed, that it was true, that in relinquishing the fees of the jurisdiction in bankruptcy, his noble and learned friend had also relinquished the duties of the office; but still there was not the least portion of his time unemployed; and no man could do more. His noble and learned friend had relinquished 7,000*l.* or 8,000*l.* a-year, without making the slightest bargain or provision. It was true, that he had obtained the appointment of four Judges and six Commissioners; but was that to be compared to the appointment of seventy Commissioners —officers distributed among persons of family and interest, which he had relinquished? The patronage arising from the appointment of the four Judges and six Commissioners, was infinitely less than the patronage arising from the appointment of seventy Commissioners; although the former did the business infinitely better than the latter. The hon. member for Preston, when he charged his Majesty's present Government with not having evinced any spirit of retrenchment, seemed to forget that they had reduced 2,100,000*l.* of the public expenditure. The fund on which it was proposed to charge the Lord Chancellor's salary, consisted of large accumulations in the hands of the Accountant General. No suitor could possibly lose anything by the arrangement. His noble friend near him had fallen into one little mistake. The Chief Justice of the Court of King's Bench had no such sinecure now in his gift, as his noble friend supposed. Formerly there was one of enormous value, but it had been felt to be inexpedient and unjust to leave, by this means, to one Lord Chief Justice, the chance of becoming enormously rich, while his successor was stripped of the adequate reward for his services; and a fixed salary had, therefore, been substituted. The only places which the Lord Chief Justice of the Court of King's Bench now had in his gift, were those of Marshall and Associate. When it was considered, that his noble and learned friend, the present Lord Chancellor, had left a business at the Bar, much larger than the average of that which was relinquished by Lord Chancellors, he thought it would appear to the House, that the proposed salary was exceedingly moderate.

Lord *George Bentinck* did not believe, that the people of this country wished to see the salaries attached to high and official offices reduced. What they wanted, was to see useless places and sinecures abolished. He would support the proposition for giving the Lord Chancellor a salary of 14,000*l.*

In answer to a question from Mr. Hudson Gurney,

The *Attorney-General* stated, that what was called the Dead Fund, being the accumulated interest already realized, was that on which it was proposed to charge the salary; leaving the principal and interest of the Suitors' Fund untouched for the suitor.

Mr. *Wilks* agreed with the hon. member for Middlesex, that the salary ought to be charged upon the Consolidated Fund, rather than upon the Suitors' Fund.

Mr. *Sheil* observed, that his hon. and learned friend, the Attorney-General, had stated, that the Lord Chancellor had deprived himself of the appointments of the Commissioners of Bankrupts; but this was not an accurate representation of the case. He had only sacrificed the contingency of these appointments if he kept office. Instead of which, he had the appointments in the New Court of Bankrupts. But he did not think this was otherwise than it ought to be. The noble and learned Lord deserved great credit for his Bankruptcy Bill. The House must look to the sacrifice of patronage, which Lord Brougham had surrendered, which would have enabled him, in the event of his keeping office, to give his family valuable sinecures. That was a reason why a large pension should be given to the present Lord Chancellor. But he wished to ask, whether it was intended to continue the same salary and pension to future Chancellors?

Lord *Althorp*, in reply to the hon. member for Newport, said, that it was intended to make the payment out of the interest of the Suitors' Fund. In reply to the question, whether it was intended to limit these allowances to the present Chancellor, he stated, that it was not intended to limit the arrangement to Lord Brougham, but to continue the same to future Chancellors. He thought 14,000*l.* a-year not too much for the salary of a Lord Chancellor. Undoubtedly, good and sound lawyers might be got for Judges, who made no great sacrifice of profits, by giving up their profession; but a Lord Chancellor was selected from persons of the greatest eminence at the Bar, and who would give up a large income for the office. If the salary was reduced too low, there might be a chance of persons of less eminence at the Bar filling the office of Chancellor.

Colonel *Sibthorp* complained, that the present Ministers, though they had promised much in respect to economy, had done nothing at all.

Leave given—Bill brought in and read a first time.

Tithes Composition (Ireland) Bill.] Mr. Stanley moved, that the Order of the Day for the House resolving itself into a Committee on the Tithes Composition (Ireland) Bill be now read.

House in Committee.

On Clause 13 being read,

Mr. *Stanley* proposed an Amendment to leave out the whole clause after the first word and insert the following—"That no person holding or occupying land in Ireland as tenant at-will, or tenant from year to year, or having any lesser estate or interest therein, shall be liable to the payment of any sum or sums of money accruing due and payable on or after the 1st day of November, 1833, on account of any composition for tithes chargeable, or which may become chargeable, on such land; and the person who shall have, in such land, the first estate or interest, greater than such tenancy from year to year, shall be and become, for and during the continuation of such estate or interest, liable to the payment of the composition on such 1st day of November, 1833, and thenceforth from time to time accruing due and payable in respect of such land; and upon the expiration, surrender, forfeiture, or other determination of such first estate or interest, greater than a tenancy from year to year as aforesaid, the person having the next estate or interest in such land, greater than such estate as aforesaid, shall be and become, for and during the continuance of such estate or interest, liable to the payment of such composition as aforesaid; and so on, the liability to the payment of such composition attaching and devolving successively, upon the expiration, forfeiture, or other determination of each and every such previous estate or interest as aforesaid, upon the person having the next such estate or interest, for and during the continuance thereof, until such liability shall eventually attach and devolve upon the person having the fee-simple and inheritance of such land, who shall be and remain for ever subject thereto: provided always, that such transfers of liability shall be without prejudice to any arrears of composition, which may have accrued due at the times of such transfers respectively, and to all remedies for the recovery of such arrears: and provided always, that if any such tenant-at-will or yearly tenant, shall continue in possession, after such 1st day of November, 1833, of such land so liable as aforesaid, without entering into any new agreement with his landlord, such landlord having taken upon him the said composition in manner aforesaid, shall be entitled to recover from such tenant so continuing in such possession, in addition to the rent then payable by him, the amount of such composition theretofore payable by such tenant; the same to be recovered by all the ways and means, and as if the same were part of and added to the said rent, by agreeing between such landlord and tenant originally."

Mr. *Sheil* said, that he thought, that the clause before the House was one of the greatest importance, and the right hon. Gentleman should not seek to precipitate, at so advanced a period of the Session, a clause so exceedingly important in its consequences to the landlords of Ireland. This Bill was intended for the relief of the clergy, and of the people of Ireland. Well, now, he would ask, why be so impatient to hurry on the measure, or to anticipate the functions of a reformed Parliament, when this clause would not come into operation until November, 1833. [Mr. Stanley nodded assent.] Well, he was glad to have that admission from the right hon. Gentleman, that the Bill would not come into operation before that time. Why, then, not leave the subject to the disposal of a reformed Parliament? Why force on this measure against the loudly expressed opinions of the Irish people universally, and despite the reiterated and earnest remonstrances of the Representatives of the Irish people in that House. He could not conceive a motive for the invincible pertinacity, that the right hon. Gentleman manifested in pressing forward a measure, and in preparing the machinery with which he was to relieve the distresses of the Irish clergy. This Bill was bad enough, but he did not see the necessity of augmenting its evil tendencies by the enactment of this clause, which, involving such important consequences, was one that ought not to be urged forward in the absence of so many of the Irish Members, and in the present state of the House. The Bill would not effectually come into operation until November, 1833. Well, then, the reformed Parliament would exist in the mean time, and what was the necessity of anticipating the legislation of a reformed Parliament, when they must know that it was to a reformed Parliament alone, that the Irish people looked with confidence for a final and satisfactory adjustment of the question of tithes. The Bill had for one of its objects to satisfy the people of Ireland; but surely the right hon. Gentleman himself did not imagine that it would have the effect. He must be well aware, that the measure would not only not satisfy, but that it would additionally dissatisfy the people of Ireland. Was the Bill that which the Irish people were taught to expect? They complained of the great oppression and grievous burthen of tithes. The right hon. Secretary held out to the people a promise of the extinction of tithes, and the Irish people did not certainly attach to the language of the right hon. Secretary more than its plain and ordinary import. When they talked of extinction of tithes, they meant the utter and total abolition of tithes, and in the promise of extinction of tithes, they understood an extinction actual and in fact, and not a mere transfer of the burthen from one part of the community to another. The Bill was unjust to the people of Ireland, and particularly unjust to the landlords of Ireland. It not only injured them in their property, but it would serve, in many instances, to estrange and alienate them from the confidence of the people, by transferring to the landlord all the odium of being the collector of a most oppressive, detested, and obnoxious impost. He trusted, that the right hon. Gentleman would reserve this entire clause for future discussion, and would not press it then. It was not demanded by any exigency which it went to meet, for it was admitted, that it could not come into operation until November, 1833. So far as the mere Amendment of the clause went, he certainly concurred with the right hon. Gentleman in thinking that it improved it very much; but what he objected to was, that the clause itself should be pressed forward at such a period of the Session. He trusted, that the right hon. Gentleman would not persevere, but would allow that whole clause to be omitted.

Mr. *Stanley* said, that he had more than once before explained his meaning relative to those words which had been so much cavilled at—namely, the extinction of tithes. He had before stated, in the most explicit manner, that when he mentioned the extinction of tithes, he did not mean the utter and entire abolition of tithes. By the expressions he had adopted, he did not mean to imply any thing more than a transfer of the burthen of the collection of tithes from the clergyman to the landlord. His great object was to do away with the many objections and annoyances to which the present system was liable. He wished to relieve the clergyman from the endless troubles and discontents attendant upon the collection of tithes, whilst he was also equally anxious to relieve the tenant from the annoyances attendant upon their collection by the clergyman, and also from the dissatisfaction and discontent consequent upon their uncertain and fluctuating value. He thought, that he had succeeded in a great degree in doing away with those objections; for, by making the tithes part of the landlord's rent, he relieved at once both the tenant and the clergyman. There was a great outcry made against this, as an injustice upon the people, and there was a clamour raised for the abolition of tithes. He thought, that the great object ought to be to effect a satisfactory change of the system, so as to relieve the occupying tenant from its pressure. Could any hon. Member deny, that, if, to-morrow, tithes were wholly abolished, the ultimate effect would be to increase the landlord's rent to the amount of the reduction; so that, in point of fact, if tithes were utterly and wholly abolished, the tenant would derive no advantage from the change beyond that which the present Bill went to afford them—namely, it would relieve the tenant from the trouble and annoyance of having to pay two collectors instead of one. That would be the result of the present Bill, and, however it might be objected to, and however unjust it might be considered, yet he was satisfied, that, in its practical operation, it would be found to be a very great improvement.

Mr. *Sheil* said, that there had been much special pleading resorted to with regard to the meaning that ought to attach to the words employed by the right hon. Gentleman. What, he would ask, did the right hon. Gentleman mean by the total extinction of tithes? Surely he could not have supposed that the Irish tiller of the soil was so versed in the casuistical subtleties of language, as to explain "total extinction" by a mere "transfer of collection."

Mr. *Shaw* supported the clause. The Catholic peasant never had paid tithe, it had always been paid by the landlord, and one good effect of the Bill would be to make that truth apparent to the peasantry.

Some verbal amendments being introduced into the Clause, the Question was put, that this Clause do stand part of the Bill.

Mr. *Walker* agreed with his learned friend (Mr. Sheil) that the only effect of the Bill would be the transferring the odium of the tithe tax from the clergyman to the landlord. He did not think that the landlord ought to be placed in that situation. In his opinion the Bill gave the clergy more than they could reasonably expect, and it destroyed the vested rights of the landlord. This was most objectionable.

Mr. *Callaghan* said, that the question had been so clearly and so ably put in its proper light by his hon. friend the member for Wexford, that he had little more to do than to express his full concurrence in all that had fallen from him. He (Mr. Callaghan) was himself a tithe owner, but so far as he was individually concerned, there was no sacrifice which he was not cheerfully prepared to make for the peace and benefit of his country. He had before stated his opinions on this subject—he had always himself paid tithe with reluctance, for he had never received any value for it, and he looked upon it in the light of a cruel robbery. He could bear his own testimony that this Bill would not satisfy the people nor the landlords. In his part of the country he knew that the landlords were decidedly opposed to it, and notwithstanding what had been said by the hon. and learned member for Dublin, he felt that it was a measure deeply displeasing to the landlords of Ireland generally, as being one which inflicted a direct and positive injury upon them. He certainly should feel it his duty to oppose the clause now under the consideration of the House. Though he did not approve of it, he would not strongly object to the extension of the Commutation Act as a mode of ascertaining the value; but what he most strongly objected to was the machinery of the Bill before the House.

Mr. *Leader* said, that there were two questions which came to be considered: the first, the mode of ascertaining the amount of tithe in Ireland; and the second, the mode of collecting it. For this latter purpose, the Bill proposed to make the next landlord to the occupying tenant liable to all the tithes and arrears of tithes, and for this purpose to make him answerable both in his property and in his person. This attempt to make one man liable for the debt of another was the first of the kind of which there was any instance on record; and the hardship was aggravated, in the present case, by the attempt to connect an impost the most odious, and one derivable out of the produce of the soil, with the rent of the landlord, and to make the landlord liable for its payment, even though he had never received any rent. Under the composition law, the clergyman had the first charge on the land, for the year's tithe; he was paramount to the landlord, and his inability to recover did not proceed from the want of a legal remedy, so much as the alleged want of power to enforce the payment. He could not be divested of the opinion that if the agreement between the occupiers and the clergymen was just and reasonable, and the measure which the law allowed for the recovery of tithes, were fairly and fully put into execution, the tithe composition rent would even now be collected; and if the agreement was fair, he saw no reason why it should not, if the parties were pleased with the composition, as founded upon reciprocal interest, and if the proper baronial officer had full authority and reasonable per centage for the collection of the tithe. He denied that the landlords had taken any part in any insubordination that prevailed, and it was too much, when they proposed a fair Land tax as an equivalent for tithes, to be collected by the State, and paid to the clergy, to be exposed in their persons to arrest, and to have their properties liable to be ruined by the costs attendant on the appointment of a receiver, and the multiplied costs that were attendant on a resort to the process of the Court of Chancery to enforce the payment of the composition rent. In opposition to the hardship of making the landlord next the occupier, liable to the payment of tithe, it was asserted that the landlords of England would gladly submit to be placed on the same footing, and that they would cheerfully compound on the same terms. To this he would answer that the landlords of England were Protestant, the tenantry and tithe-payers Protestant, and the Church Protestant, whereas, in Ireland the landlords might be Protestant, but the tenants were Catholics, and never could be induced to pay 600,000*l.* or 700,000*l.* a-year to a Protestant Church. If the tenants-at-will were all the immediate tenants of the fee simple proprietor, it would be perhaps less objectionable, but in three provinces all the landlords next to the occupier were Catholics, and the House might rest satisfied that the present Bill would drive into disturbance, on account of tithes, thousands who did not at present participate in the resistance, and who had never before been engaged in it. The same officer and his assistants who collected the county cess might also collect the composition rent. He did not believe the landlords of Ireland objected to the clergy having the rent charge on their estates for the amount of tithes, nor did he believe there would be the smallest objection that the landlord should be prevented from distraining the tenant until he had obtained a certificate of the tithe being paid, but it was out of all reason, that though the landlord incurred total loss of rent, or although the crop was destroyed by the visitation of Providence, that the landlord should be made liable, in person and in estate, for what he did not receive, or for what the dispensation of Providence rendered it impossible for the occupier to collect. He thought there was no disposition on the part of the landlords to elude the payment, or, as it was said, to spoliate the Church, and although the clergyman could never succeed, in collecting tithes, neither could the landlord. He certainly would give his strongest opposition to the clause.

Lord *Sandon* was much surprised at the difference between the opinions of the landlords of the two countries upon this subject. The landlords of England looked with hope to having the principle of this Bill extended to this country, as conducive to the interest both of landlord and tenant. In the instance of a noble relative of his, where a composition had been made for tithe, it had proved highly satisfactory, both to the landlord and the clergyman, and of advantage to both.

Mr. *Hunt* would allow the noble Lord to speak for himself and his friends; but there was just as great a feeling against tithes in England as in Ireland. He hoped the right hon. Secretary would be in his place early to-morrow, when a petition from Preston, which was signed by 4,900 persons in two days, would be presented against this Bill, and praying the House to address his Majesty to displace the right hon. Secretary from office. If by this Bill landowners were obliged to pay tithes in all cases whatever, and were not at liberty, like Irish landowners, at present, to exempt part of their lands from tithes, by laying them down as pasture, it was one of the greatest acts of injustice he had ever known to be inflicted by an Act of Parliament.

The Amendment agreed to—Clause as amended to stand part of the Bill.

On the next Clause respecting the appointment of a Receiver being read,

Mr. *Sheil* said, that the appointment of a receiver would be a virtual distress for tithes. The Bill went further than the Tithe Composition Act, and created a mass of increased and new expenses.

Mr. *Hunt* rose to order. He was tired of these Irish tithes, and wanted to go home to bed. He had gone to the door, but he had found it locked. He was locked in. He was no longer a free agent. [*loud* *laughter, in the midst of which the door was opened, and the hon. Member was informed he was at liberty, whereupon he departed*].

Mr. *O'Ferrall* said, that he, as an Irish landlord, felt the Bill to be so arbitrary and unjust in principle, that he would resist its operation by every means in his power short of force. It was too bad in English Members — who never read the Bill nor cared about its provisions, and who, by their total absence during the several discussions in which Irish Members in duty to themselves and their country engaged, testifying the interest they took in its progress—to come down, night after night for the mere purpose of being within call to outvote the Irish Members whenever they pressed important amendments to a division.

Mr. *Leader* would not be deterred by the slanderous calumnies that were thrown out against the Irish Members, from pursuing the path of duty. He would therefore oppose this clause. The Government appeared determined, at all events, to carry this Bill, which, he assured them, had created the greatest possible excitement in Ireland.

Mr. *Ruthven* said, he should take all the means possible of opposing the Bill, and should, therefore, divide the House on the passing of the Clause.

The Committee divided on the Clause: Ayes 45; Noes 17—Majority 28.

The remaining Clauses read, and agreed to. The House resumed.

HOUSE OF LORDS,

Friday, August 3, 1832.

Minutes.] Papers ordered. On the Motion of the Lord Chancellor, Accounts of all Salaries, Fees, and other Emoluments enjoyed in all the Offices connected with the Court of Chancery.

Bills. Read a second time:—Bills of Exchange; Chancery Offices Abolition.—Read a third time:—Registry of Deeds (Ireland).

Petitions presented. By the Duke of Richmond, from Castle Comer, Montmelic, and Waterford, and by the Marquess of Westmeath, from Roscrea and Guisborough,—for the Amelioration of the Criminal Code.—By Lord Auckland, from Lymington, in favour of the Ministerial Plan of Education (Ireland).

HOUSE OF COMMONS,

Friday, August 3, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Hume, an Account of the Sums unclaimed during the last thirty years, and placed in the Suitors' Fund, and an Account of all Poor Rates made under the Local Acts since April, 1830, in St. Giles's-in-the-Fields, and St. George's, Bloomsbury.

Bills. Read a second time:—Public Accounts; Aberdeen College; Civil List Payments; Lord Chancellor's Salary.—Read a third time:—Court of Delegates; Exchequer Bills; Sugar Duties.

Petitions presented. By Mr. Shaw, from different Congregations at Dublin, for the better Observance of the Sabbath.—By Mr. James E. Gordon, from several Orange Lodges, and three Parishes, and by Mr. Shaw, from the Irish Wesleyan Society, against the Ministerial Plan of Education (Ireland).—By Mr. Strutt, from Smugglers confined in Bodmin Gaol, for an Act of Grace.

Rights of Women.] Mr. *Hunt* said, he had a petition to present which might be a subject of mirth to some hon. Gentlemen, but which was one deserving of consideration. It came from a lady of rank and fortune—Mary Smith, of Stanmore, in the county of York. The petitioner stated that she paid taxes, and therefore did not see why she should not have a share in the election of a Representative; she also stated that women were liable to all the punishments of the law, not excepting death, and ought to have a voice in the making of them; but so far from this, even upon their trials, both judges and jurors were all of the opposite sex. She could see no good reason for the exclusion of women from social rights, while the highest office of the State, that of the Crown, was open to the inheritance of females, and, as we understood, the petition expressed her indignation against those vile wretches who would not marry, and yet would exclude females from a share in legislation. The prayer of the petition was, that every unmarried female, possessing the necessary pecuniary qualification, should be entitled to vote for Members of Parliament.

Sir *Frederick Trench* said, it would be rather awkward if a jury half males and half females were locked up together for a night, as now often happened with juries. This might lead to rather queer predicaments.

Mr. *Hunt* well knew that the hon. and gallant Member was frequently in the company of ladies for whole nights, but he did not know that any mischief resulted from that circumstance.

Sir *Frederick Trench*: Yes, but not locked up all night.

Petition laid on the Table.

Tithes (Ireland) Petition. Mr. *Sheil* presented a Petition from Preston, signed by 4,913 of the inhabitants. He said that the petition stated "that the petitioners saw with deep sorrow and apprehension that his Majesty's Ministers had commenced a desolating war upon their brethren in Ireland, in order to compel them to submit to that iniquitous and intolerable tithe system, under which petitioners themselves groaned, and without being delivered from which by a Reformed Parliament, the petitioners should deem the Reform Act of comparatively small value. The petitioners daily read of the sending of troops after troops to Ireland to carry on the above-mentioned unjust and unnatural war: that while his Majesty assures us of the prospect of lasting peace with foreign nations, petitioners saw the King's Ministers augmenting the standing army, as if engaged in most extended hostilities. This enormous expense is incurred, and petitioners are thereby heavily burthened, for the sole purpose of making a war of extermination upon their Irish fellow-subjects, in order to compel them to maintain a hierarchy, which has for ages been a curse of their country, and which they naturally and most justly abhor. The petitioners prayed that an end might at once be put to a scene so disgraceful, as that of Christian ministers maintained by collections made at the point of the bayonet; the petitioners deeming it the last degree of oppression and degradation, that they should be taxed, in order to afford the means of making a cruel and savage civil war upon their own fellow-subjects, who are only resisting the oppression of which they themselves so loudly and so justly complain. The petitioners further prayed the House to address his Majesty to remove from his councils that Member of the Cabinet under whose immediate control the desolating measures above alluded to have been adopted—namely, the Hon. Edward G. Stanley, the petitioners being fully convinced that the spirit which dictated these measures, and the attempt to carry measures for the enforcing of the payment of tithes, for the registration of arms, and for giving a Reform Bill to Ireland much more restricted and inequitable than that for England, will, if not soon repressed, compel Ireland to resort to force to procure redress from its many oppressions." Such were the contents of the petition, and in presenting it to the House, he must say that he wished it had been couched in more moderate language.

Mr. *Shaw* would not object to the petition being laid on the Table, but would certainly oppose its being printed. Stating that the hierarchy had been a curse to the country, was language that ought not to be countenanced.

Mr. *Stanley* said, that the language was no doubt very strong, but not so strong as to warrant the rejection of the petition.

The Petition was read and laid upon the Table.

Upon the Motion, that it be printed, the House divided—Ayes 30; Noes 21: Majority 9.

Petition to be printed.

SUPPLY.—COMPENSATION TO SIR A. B. KING.] On the Motion of Lord Althorp, the House resolved itself into a Committee of Supply.

Lord *Althorp* said, that the question he was about to move being that of granting compensation to Sir Abraham Bradley King for the withdrawal of his patent, and having formerly objected to the claims of that gentleman, it was, therefore, necessary that he should explain the grounds on which he at present brought forward a proposition apparently inconsistent with his previous opinion. When the present Administration came into power, it was considered proper to abolish the office of King's printer in Ireland, the patent of which office being granted during pleasure, afforded full opportunity of effecting the change. The former Administration had, however, entered into an arrangement for the resumption of the patent, and had agreed to refer the amount of compensation for the loss to be sustained by the holder to arbitration. When he (Lord Althorp) entered upon office, he was informed that the Government was not pledged to abide by the results of the arbitration, and he, therefore, felt called upon to examine whether Sir Abraham Bradley King were entitled to any compensation. At a subsequent period, it was represented to him, that he had been misinformed as to the intention and pledge of the late Government, which, according to the statement of the friends of Sir Abraham Bradley King, had agreed to abide by the decision of the arbitration, in case the office of King's Printer were abolished. On hearing this communication, he proceeded to ask the right hon. member for Cambridge (Mr. Goulburn), if it were true, and he avowed that he did consider the late Government to be pledged to the award, with the discretionary power of declining to abolish the office, should they think its continuance less disadvantageous to the country than compliance with the decision of the arbitrators. On this understanding it appeared the arbitration took place. Finding this to be the case, and holding that no principle could be worse than, if one Administration gave a pledge, for the succeeding Administration to conceive itself absolved from it—under these circumstances, he conceived himself bound in justice to Sir Abraham Bradley King to propose and support the vote about to be submitted to the Committee. He begged it to be understood that he did not support it on the ground of claim on the part of the patentee, but because he considered the present Government pledged to the arrangement proposed by the late Government, just as much as if the proposition had originated with themselves. The noble Lord moved, "that the sum of 2,500*l.* be granted to Sir Abraham Bradley King, as annual compensation for losses sustained by the revocation of his patent, as King's stationer in Ireland."

Mr. *Hume* had been afraid that, if strong application was made to Ministers as to compensation to Sir Abraham Bradley King, the Chancellor of the Exchequer's virtue would give way. He now found that his melancholy anticipations were verified; the noble Lord having yielded against his own conviction. If any new matter connected with the subject had been brought forward since the former decision of the House upon the question, they had a right to expect that it should be laid before them. With the facts already brought under their cognizance, he submitted to hon. Members whether they would be warranted in acceding to the vote? The Committee of 1829 had recommended the abolition of the patent. The present Chancellor of the Exchequer had consulted the law officers of the Crown, who declared that Sir Abraham Bradley King had no claim whatever to compensation. There were no documents before them to warrant the House in receding from its former decision; nothing was there to guide them, but a conversation of the noble Lord with the right hon. member for Cambridge. Thinking that no valid plea had been adduced for altering their opinions, it was his intention to pronounce a negative on the Motion, unless new information were laid before the House.

Lord *Althorp* said it was impossible to produce any new matter on the question. He had changed his opinion in consequence of having learned circumstances previously unknown to him. He could not allow that his virtue was easy; and if he thought he had a choice, he certainly would not propose the vote.

Mr. *Leader* was of opinion that Sir Abraham Bradley King's case was fair, clear, and honest, and entitled to the consideration of the House.

Mr. *Spring Rice* said, that although patents of this kind were only granted during pleasure, still the usage was, to continue them where there were no instances of misbehaviour. Sir Abraham Bradley King had purchased his patent. He had been a member of the Committee of 1829, and yet felt himself justified in supporting the vote. But even the present arrangement would prove to be economical. In consequence of the revocation of the patent, a saving equal to 10,000*l.* a year would be effected in the supply of stationery to Ireland. Had the facts now brought forward been known in due time to the Treasury, the vote would have been proposed last year.

Sir *Adolphus Dalrymple* supported the grant, the propriety of which, he thought, had been fully shown by the statement made by the noble Lord. The preceding Government had considered themselves bound by what had taken place, to give Sir Abraham Bradley King the money now proposed.

Mr. *Warburton* supposed that, as this had been the case of an award, there were, probably, instructions to the referees. He wished to know whether the referees were informed that the patent was revokable at pleasure, and whether the Treasury minutes, and the instructions to the referees could not be laid before the House?

Mr. *Spring Rice* said, that the instructions and Treasury minutes would be produced if called for, but they bore no relation to the point at issue.

Mr. *Shaw* supported the grant. He contended, that from the acknowledgment of Lord Leveson Gower, as appeared by his letter, the Government of that day were fully aware of all the circumstances connected with the patent at the time the award was made.

Sir *Charles Forbes* also supported the grant, which he contended no man could in equity and justice refuse.

Mr. *Hume* said, that the grant now proposed was not a compensation for a patent that had been purchased; for, though the patent had been originally purchased, that patent had expired, and the present claim was made on the renewed patent, which had been so renewed without purchase. He wished the question to be postponed till Monday, when the noble Lord (the Chancellor of the Exchequer) could produce the Treasury minutes, and they would show what were the instructions to the referees, and whether all the circumstances had been fully taken into consideration. He denied that the late Government considered themselves bound to pay the sum stated in the award.

Lord *Althorp* said, that the Treasury minutes could throw no further light on the matter; and it would be useless, therefore, to postpone the discussion on that account. The House had now before them all the information that it was in the power of the Government to afford.

Mr. *Hunt* said, that he had heard the former debate on this subject, and nothing which was then stated by the then Chancellor of the Exchequer, or Secretary of the Treasury, had been sufficient to convince him that this grant ought to be made, nor had anything he had since heard altered his opinion. The statement, that 10,000*l.* a-year was now saved, showed that Sir Abraham Bradley King had long been enjoying a large amount of public money to which he had no right, and surely that was no reason for granting him 2,500*l.* a-year now. He should oppose the grant.

The Committee divided on the Motion: Ayes 52; Noes 2—Majority 50.

SUPPLY—CHELSEA PENSIONERS.] Sir John Hobhouse moved, that a sum of 50,000*l.* be granted to defray the charge for Compensation and Allowances to individuals in lieu of Pensions, to which they were entitled as Chelsea Pensioners,

Sir *Adolphus Dalrymple* wished to complain of the inducements held out to soldiers to commute their annual pensions for a fixed sum. Before they could emigrate to another country, they spent all their money, and were left to distress and beggary, disgracing the country which had amply provided for them.

Sir *John Hobhouse* said, that Government did not encourage pensioners to take a compensation for their pensions with a view to emigration to the colonies; but when parties choosing to emigrate wished to exchange their pensions for a compensation, Government took all possible care to see that justice was done to them in their contracts with those with whom they were to sail.

Mr. *Dixon* thought, when they every day saw these persons reduced to begging, that it was high time for the Government to interfere by means of some other arrangement. Cases of starvation among these commuted pensioners appeared in the public prints day after day; but the attention of the right hon. Baronet having now been drawn to the subject, he felt confident that he would do all in his power to prevent the recurrence of so mischievous a working of the system.

Sir *Frederick Trench* concurred in what had fallen from the hon. Member who spoke last, and expressed a hope that too much encouragement would not be given to those who desired to get compensation in lieu of their pensions, as when they got the money they ran great risk of misapplying it.

Sir *John Hobhouse* said, that every care and precaution had been taken by the preceding Government, as well as the present, to prevent any risk of misapplication. He thought he could prove, that there had been a great deal of exaggeration in the statements that had been made. It was often the case that one fact made many stories; and in this instance it was very probable that the case of one pensioner having brought himself to a state of destitution, by being told to twenty different persons, might have assumed the shape of twenty different cases. From inquiries which he had made, he was able to state, that, out of 1,581 cases, which was the number of commutations made in 1831, there were only 190 of those in which any cause of grievance had taken place; and out of those 190 there were only 28 for whose welfare the War Office could not account, as far as this country was concerned. Of course, till accounts had been received from the colonies, it was impossible to say how they had thriven since they had emigrated. The compensation, he should add, was given only to those who desired to emigrate, and who had a prospect of being able to maintain themselves in the colonies to which they might wish to go. In order to guard further against any risk, it was his intention to apply to the Admiralty, to have such parties conveyed to their destination in Government transports. The right hon. Baronet (in answer to a question from Mr. Hume) added, that the number of persons who had already received compensation in lieu of pensions was 3,928, and that the saving thus made to the public was already 55,000*l.* a-year.

Motion agreed to. The House resumed.

Riots at Clitheroe.] Mr. Stanley moved the Order of the Day for receiving the Report of the Tithes Composition (Ireland) Bill.

Mr. *Hume* wished to take that opportunity of putting a question to the noble Lord, on the subject of an attack made by the military on the people at Clitheroe, respecting which he had received an account. He would read to the House the account contained in the Blackburn paper, from which it appeared that Mr. Irving, a Member of that House, had made his appearance at Clitheroe, and had not been received in a very popular manner; and the account then went on to say: "Mr. Irving and his party took, what appeared to them, the prudent course of driving through the town without stopping; nor did they re-appear in Clitheroe during the afternoon. In an evil hour, under the excitement of the indignity they had sustained, and in spite of the advice and remonstrance of the bailiff of the borough, Mr. Garstang, a requisition was despatched to Burnley for two troops of horse, signed by Colonel Clayton, Charles Whitaker, Esq. of Simmondstone, and the reverend R. Noble, of Whalley. In the evening Mr. Irving and his party returned, escorted by fifty dragoons, and attended by two clerical Magistrates; and by some strange, unpardonable infatuation, instead of taking the Worston road, which was open to them, and would have entirely avoided the borough, they chose to return through Clitheroe, at the close of a day of extraordinary excitement, and before the people had entirely dispersed. The consequences were what might be expected—the sight of the troops, and the unlooked-for appearance of Mr. Irving, influenced the multitude, already under the influence of liquor; insults were offered on both sides; the ferment increased; the Riot Act was read; and then the troops, without orders, it was said, charged the defenceless populace. Eight or ten individuals, most of them, as is but too frequent in such cases, guiltless and unoffending, were sabred in the street." He wished to know whether the Government had received any account of this transaction, and by whose authority the military had been called in? because, as elections were now on the eve of taking place throughout the country, he thought that the noble Lord ought not to lose a moment in deprecating such interference, if it was indeed true that the military on this occasion had acted without due authority.

Lord *Althorp* said, that he was not in possession of the details of the circumstances to which his hon. friend had alluded. He had heard that morning, at the Office of his noble friend the Secretary for the Home Department, that some disturbance had taken place at Clitheroe; that the military were called in to disperse the crowd after the Riot Act had been read; and that, in doing so, some persons were wounded, but that no lives were lost. He was not in possession of any further details on the subject.

Mr. *Warburton* said, that according to an account which accompanied the Blackburn paper, it appeared that sixteen persons were wounded, and that one man received a shot in the temple.

Mr. *Burge* said, it was probable that the first accounts of the affair were greatly exaggerated. At all events, the House ought not to make the matter a subject of discussion in the absence of the hon. Member (Mr. Irving) who was interested in it.

Mr. *Hunt* would not be deterred from stating what he thought on this subject, by what had fallen from the hon. Gentleman who had just sat down. It was not for him to cast imputations on Mr. Irving in his absence; and he would not. But he rose for the purpose of stating, that he had been informed that that Gentleman's Committee had been taking a liberty with his (Mr. Hunt's) name, by associating Mr. Irving with him. All he could say about the matter was, that he had received a letter a few days since, stating that it had been promulgated by this Committee that he and Mr. Irving acted together in the House, and the letter concluded by asking whether Mr. Irving was a radical? Now he must say, that, in his opinion, it was a very gross attempt to try to impose Mr. Irving on the people as a radical. With respect to this transaction at Clitheroe, it would appear that the blood of the people of England had been shed very unnecessarily; and, as was well observed in the newspaper, nothing of the sort had occurred in that county since the bloody transactions of Peterloo.

Lord *Althorp:* I wish to set myself right with the House. I am not sure that the Home Secretary has not already received the details of this transaction: all that I have done is to state what I myself heard from my noble friend. From him I understand that the Riot Act was read before the military were called in. I may have been guilty of a fault in not having informed myself of all the particulars; but I did not expect that any question would be asked on the subject, and therefore I did not prepare myself for it. All I have heard is, that a riot has taken place at Clitheroe in consequence of an election canvass there; that the Riot Act was read; that the military were called out, and that, though some sabre cuts were inflicted, no lives were lost.

Mr. *Hume:* As I am informed, the attack of the military took place before the Riot Act was read; but this is probably a mistake. I beg to say, that I am not blaming Mr. Irving; but I shall certainly blame the Magistrates, if it appears that they have acted hastily or rashly in calling out the military.

Mr. *Dixon:* I think that there should be no talk of blame on one side or the other, till we have proper information for our guidance. This is the first instance in which we have heard of any riot under the new Bill; and I think that it is the duty of those who have acquired influence over the people to do all in their power to induce them to give fair play, even to the most violent reform candidate; without which the Reform Bill, instead of being a benefit, will only be a curse to the country.

Mr. *Hunt* observed, that the noble Lord (Lord Althorp) had said, that the Riot Act had been read before the military had charged the people. Now, he hoped it would not go forth to the public, that because the Riot Act had been read, the troops were justified in at once attacking the people. The law allowed an hour to elapse, from the time of reading the Riot Act, before the power of the military could be resorted to to disperse a crowd, and he hoped the noble Lord did not mean to send it forth to the country, that the military would be justified in at once resorting to force as soon as the Act had been read.

Lord *Althorp* said, nothing had fallen from him warranting the inference that he held the opinion that the people, in case of riot, were to be attacked the moment the Riot Act was read.

TITHES COMPOSITION (IRELAND) BILL.] Mr. Stanley moved the Order of the Day for receiving the Report of this Bill.

Report brought up.

Mr. *Leader* said, he had watched this Bill with the utmost anxiety, and he thought that he was perfectly justified in trying to count the House out for the purpose of defeating it, because a more iniquitous or injurious measure never was brought into Parliament. He should now, however, cease from any further opposition, as it was useless.

Mr. *Ruthven* asserted his right to count the House out, in order to get rid of so objectionable a measure. No matter what was said in that House or out of that House, he would do his duty. His opposition to the measure was not vexatious, but conscientious. He should not further resist the measure, as he saw it was a fruitless task.

Report agreed to.

Mr. Stanley proposed that the Bill be read a third time to-morrow.

Mr. *Leader* said, that as this, in consequence of the Amendments, was nearly a new Bill, it ought to be printed before it was read a third time. A Bill which imposed a charge of 700,000*l.* a-year on Ireland in perpetuity, ought not to be pressed through the House with such reckless haste.

Bill to be printed.

PARLIAMENTARY REFORM BILL FOR IRELAND—LORDS' AMENDMENTS.] Mr. *Stanley* moved the Order of the Day for taking into consideration the Lords' Amendments to the Irish Reform Bill. He was not disposed to concur in the whole of them; and in one he should propose an amendment. The Amendments were four in number, and there were two to which he felt no objection. The first entitled the clergy to register with the same advantages as 50*l.* freeholders. To this there could be no objection; for there was no clergyman in Ireland whose benefice was not, at the very least, equal in value to a 50*l.* freehold. The second Amendment related to the Registering Officer of Dublin. At first it was proposed to throw this duty on the Recorder, but the idea was abandoned, as incompatible with his other avocations. The duty was then imposed, as in other parts of the country, on the Chairman of the Sessions for the County of Dublin. It appeared, however, that it would entirely preclude him from continuing his professional pursuits, and the object of the second Amendment was to enable the Chairman to do business by deputy. The third Amendment related to freeholders created since the 31st of March, 1831. There was an omission in the Lords' Amendment, which it would be necessary for him to rectify, in order to carry into effect the intention of the Legislature. As the Bill passed that House, honorary freemen of Corporations, admitted since the 30th of March, 1831, were disqualified; and the Lords, being desirous to put freeholders and freemen on the same footing, inserted a clause, the object of which was, to prohibit the registration of 40*s.* freeholders created since March, 1831. The Lords, however, had omitted to insert the words "forty shillings" in the clause, and, therefore, 50*l.*, 20*l.*, and all freeholders created since the 30th March, 1831, would be prohibited from registering, which was clearly contrary to the intentions of the Lords. Freemen obtaining their freedom by birth or servitude since the 31st March, 1831, were not disqualified, and a similar exception was made by the Bill, in favour of freeholders who obtained their freeholds by inheritance, marriage, or devise. In short, the object was to disqualify both freemen and freeholders who might be created fraudulently with a view to the passing of this Bill. To this Amendment of the Lords he presumed there could be no objection. There was another Amendment, however, to which he confessed he objected so much, that he should be disposed in any lighter case to reject it—he meant the Amendment with respect to the admission of freemen. In that Amendment, however, the House of Lords had a precedent in the enactments of the English Bill. When the two Bills were originally introduced, the English and the Irish Bills had the same provisions with respect to the freemen of cities. It was suggested, however, that it was unnecessary to interfere with vested rights, which were not abused in England, and therefore the elective franchise was to be retained by freemen admitted by Corporations in England. Now he could by no means admit that there was not a broad distinction between the two cases of the English and Irish Corporations. It was no reason, because they had not taken away the right from those who had not abused it, that they should not take it from those by whom it was notoriously abused. It was a sufficient ground, he thought, for disfranchising future freemen in Ireland, that the admission of freemen for a series of years had been confined exclusively to Protestants. Still there was the argument of analogy with England in favour of existing rights, and, although he could not say that the argument was sufficient to convince him, yet he could not recommend the House, in consequence of this difference of opinion, to take such a step as to disagree with the Amendment. The House of Commons had already expressed its sense to be against the exclusive doctrine of admitting only Protestants as freemen; it had vindicated the principle of general admission, and condemned the principle of exclusion; and as the Amendment would not cause any practical effect in the operation of the Bill for many years, unless as a matter of principle, he did not think it very important. He believed that the admission of 10*l.* householders to vote in the cities would overpower the freemen, and take away the motive which Corporations had hitherto had for the exclusive admission of Protestants. He trusted that what had passed on the subject would induce the Corporations of Ireland generally to follow the example set by one or two (he alluded particularly to the Corporation of Waterford admitting persons of all religious persuasions indiscriminately). On the whole, he did not think the Amendment of sufficient importance to induce the House to reject it, more especially as he believed the Lords felt strongly on it, and its rejection would certainly create delay, if it did not risk the passing of the Bill. The right honourable Gentleman concluded by moving the Amendment which he said was necessary in the clause, prohibiting the registration of 40*s.* freeholders created since the 30th March, 1831, namely, that in the first Amendment, after the word "freehold," there be inserted the words, "under the yearly value of 10*l.*"

Agreed to.

On the third Amendment respecting the Freedom of Corporations,

Mr. *Jephson* said, I voted on this question of the freemen of Ireland, not because it was proposed to us by his Majesty's Government, but because I wished to see no such class in the constituency. In my opinion his Majesty's Ministers spoiled their first Bill by giving way to the suggestions of those who urged them to preserve the freeman's franchise. By abandoning the principle of resting the franchise upon property, and giving the suffrage to a class, they have left themselves no ground of principle on which to resist universal suffrage. I think this perpetuation of a class of persons to whom the right of voting has descended without any exertion of their own, is throughout objectionable, because it deprives you of that security for the independence of a voter which property is supposed to give. In Ireland this objection is strengthened by the circumstance that freemen are the partizans of a particular creed. The only effect of preserving their rights will be to enable the Corporations of Ireland to make as many fictitious votes as they please—when I say fictitious votes, I mean voters quite as objectionable, if not more so, as the worst class of 40*s.* freeholders. I cannot see what objection there can be to our having a conference with the Lords upon this subject. I do not mean to say, that I would reject the Reform Bill if the Lords should not withdraw their Amendment, but I think that in justification of our own conduct, we ought to refuse at present to agree to it. If the Lords should not give way, it will be a matter for consideration hereafter whether we shall agree to it or not.

Mr. *Leader:* I am exceedingly sorry that the Lords should have introduced this Amendment, but as we have already debated the question at length— as we have individually given our opinions, and collectively decided that this is an objectionable class of voters, I shall not trouble the House with another discussion. I again say, that I regret the Amendment made by the Lords, but I fear we cannot help it.

Mr. *Ruthven:* Although I disagree with the House of Lords as an individual, I fear to do it as a Member of the House of Commons, because I do not wish to run the risk that might arise from our rejection of this Amendment. Having thus expressed my dissatisfaction at it, I shall urge no further opposition, in the hope that it will not be as mischievous and injurious as I apprehend, and upon the consideration that it should prove so, we may correct the evil by a legislative enactment in the next Session.

Lord *Althorp:* I regret, with my right hon. friend near me, the Secretary for Ireland, that this Amendment has been introduced. I voted against the provision when it was introduced in this House; but as I do not think it likely that we should succeed if we demanded a conference, I think it will be prudent not to do so. Unless we had good ground to expect success, I do not think that it would be consistent with the dignity of this House to demand the conference. I would therefore express my hope, that the protest entered by the hon. Members opposite against the Amendment will be sufficient to save their and our consistency.

Mr. *Callaghan:* I am sorry to hear the noble Lord say he has no hopes of our having any success in a conference. I feel strongly on this point, for I think this Amendment affords the means of altogether defeating the main objects of the Bill. [Lord *Althorp,* "No, no."] Such is my opinion, for it enables corporations to perpetuate a class of voters which will totally overpower the resident householders in whose hands it was the object of the Bill to place the power of election. It is useless to say, that you exclude the most objectionable portion of the freemen, for the result of the inquiries I have made on the subject is, that the freemen, being all entered on the same roll, it is impossible to distinguish those who have been admitted as honorary freemen, from those who obtained their freedom by right or servitude. Besides, although an honorary freeman cannot vote, his eldest son, who becomes a freeman by birth, has the right of voting, and this, clearly, is not a kind of vote which it can be the intention of the Lords to preserve. It was because I felt the provision now introduced was so liable to be abused, that I before opposed it, and I can assure his Majesty's Ministers that in the five or six cities in Ireland which it will more particularly affect, it will be felt that their agreement to this Amendment is an abandonment of the cause of the people, as regards those particular places. It will be felt that the promises which Ministers held out to those towns, that the power of the corporations should not be perpetuated, has not been fulfilled. As if to aggravate the loss of this promised benefit, the 40*s*. freeholders, who heretofore were considered as a kind of balance against the corporations, are annihilated. Surely, if the rights of the freemen are perpetuated, those of the 40*s*. freeholders ought to be restored. The question of the freemen was fully discussed in this House, and after we had solemnly decided upon it, I think it very unfair that a material part of the Bill should have been given up by Ministers in the House of Lords without a struggle. It is perhaps hardly regular to state it, but it is known that we have access to that House. Others, too, have access to it, and the conversation which there took place was heard by so many, that I feel myself justified in saying that it will be known to the people of Ireland that the provision of the Bill was given up without even a discussion upon it. [Mr. *Stanley:* There was a good deal of discussion before it was given up.] It was given up too on the Motion, I may say at the desire, of a Peer who declared himself against all Reform, and who stated that those who had voted for Reform in England and Scotland, might, nevertheless, consistently refuse it to Ireland. His Majesty's Government, therefore, may depend upon it, that in all the cities affected by this Amendment, the passing of it will be considered a slur upon Ministers and upon the House.

Mr. *Lefroy:* I never was able to understand the principle of the distinction which was made in this House between the freemen of England and the freemen of Ireland. The ground taken in this House was, that the corporations of Ireland admitted only Protestants to the freedom. Suppose the fact to be so, why should you visit upon the freemen the consequences of the delinquency of the governing power of the corporation? It could not be expected that they would decline to accept the rights offered to them because the governing power refused it to others. We must consider, too, that it was contrary to the principles of liberality so much advocated and acted upon of late years, to disfranchise the freemen simply because they were Protestants. I think we ought to be glad of the opportunity given us for reviewing our own decision, as precipitate and unjust, and adopting that of the Lords.

Mr. *Spring Rice:* I was one of those who opposed the proposition affirmed by this Amendment, when brought before this House. I shall not reply to the hon. and learned Gentleman who has just sat down on the principle of the question, for, as far as the judgment of the House of Commons goes, it is decided, and I doubt not if we were again to re-argue it, we should again decide as we did before. My object in rising was to say, that thus perpetuating the freemen will make it the duty of my right hon. friend, the Secretary for Ireland, in an ensuing Session, to take care that a bill is introduced to provide against two evils which may otherwise arise. One of these has been alluded to by my hon. friend, the member for the city of Cork, namely, the prevention of the enjoyment of the right of voting by merely honorary freemen. It would be a great fraud in the Bill as it now stands if such a practice were suffered, and assuredly it will exist if not effectually guarded against. The other fraud to which we shall be exposed, and against which we shall be called upon to take precautions, in consequence of this unfortunate Amendment, is the refusal to admit persons to the freedom who are justly entitled to it. What I apprehend is, that corporate bodies, acting as they always have done, will, under this Bill, as heretofore, give every possible facility to the admission of freemen of one class, and throw every possible impediment in the way of the admission of freemen of another class; for, instance, they will say of a person whom they favour—"Let him be admitted without a too strict examination,—do not give him too much trouble," and of another—"Require all the technicalities of legal proof from him; let him establish his right upon a foundation which even we cannot help acknowledging, and if he does not, leave him to his mandamus in the Court of King's Bench." If that be the construction put upon this Bill—and I am sure it will be the construction put upon it by all corporate bodies in Ireland, it will be the duty of those who support the Reform Bill, to give full, fair and equal effect to the intentions of the Legislature, by taking care that all persons admissible as freemen under the provisions of the Bill, shall be admitted, and that all intended to be excluded shall be excluded. With respect to the present vote, when we are told by my noble friend near me, that the choice is really between taking the Bill with the Amendment, or running the risk of losing the Bill altogether, although I deeply regret that Amendment as much as any man, I am not willing, at the present period of the Session, even for the assertion of a principle, to hazard the consequence of not immediately agreeing to it. I have dwelt upon this longer than I intended, for unless an assurance be given to the people of Ireland, that the abuses I have alluded to shall be prevented, this Amendment will be productive of the greatest dismay in all the cities of that country which have suffered under these corporate bodies. The free opinion of the inhabitants of corporate towns has hitherto been completely borne down by the gross abuse of corporate privileges; and if it were to go abroad that corporations are to be left to the exercise of what they call their discretion, but which I call their injustice, great alarm will be excited.

Mr. *Stanley*: It is impossible for any man who knows Ireland not to feel the force and truth of what has just been stated by my right hon. friend, the Secretary of the Treasury, and that the Amendment of the Lords necessarily devolves upon those who, under circumstances, cannot oppose, however they may disagree with it, the duty of remedying, as far as possible, the evils he has pointed out, namely, on the one hand, a too ready admission of a certain class of persons to the freedom, and, on the other, the intervention of discouraging and vexatious inquiries, previous to the admission of another class. There will be some difficulty in framing a bill to meet these two objects; but the attention of the Government will be anxiously turned to this subject, with a view of introducing a measure which will have all the effect desired. In the mean time, I am satisfied that a consequence of the Reform Bill itself, by diminishing the temptation to create freemen, who will be outnumbered by the 10*l.* householders, will be, to diminish the wishes of corporations to abuse their power. We must also recollect that non-resident freemen and honorary freemen are altogether struck off, so that, it is hardly likely that the influence of the 10*l.* householders will not be real and effective. I feel, however, that it will be the duty of the Government to find a check for the two abuses referred to by my right hon. friend, and it is a duty to which they will attend.

The Amendments severally put and agreed to.

WEST INDIES.] Lord Althorp moved the Order of the Day for the House going into Committee on the Crown Colonies (West Indies) Relief Bill.

Mr. *Hume* wished that the noble Lord would state the plan of Government, before he called on the House to go into Committee on this Bill, as he, (Mr. Hume), for one, was not without explanation prepared to go into Committee.

The Order of the Day read, and

Lord *Althorp*, in moving that the Speaker do leave the Chair, said that he had no objection to make that statement now which he had intended to make when the House had gone into Committee. The object of this Bill was to carry into effect the promises made by his Majesty's Government to those colonies which should adopt the Order in Council,—namely, that some species of fiscal relief should be granted to them for so doing. It appeared to his Majesty's Government, that in affording to the Crown colonies which adopted the Order in Council fiscal relief in regard to their internal concerns, they would be giving those colonies substantial advantages, without any unfair or disadvantageous effect on the Legislative colonies, where the Order in Council had not been adopted, which would not be the case if the relief to be granted to the Crown colonies was to consist in a reduction of the duty upon their produce imported into this country. He knew it would be said that the Order in Council had not been obeyed in some of the Crown colonies, and he was ready to admit, that in some of them, while it had been theoretically obeyed, it had not been practically enforced. It was, therefore, the intention of his Majesty's Ministers, when the power which this Bill proposed to give to them should be placed in their hands, not to carry it into effect except in those colonies where the Order in Council had been practically enforced. The question in this instance was, whether the House would, or would not, empower his Majesty's Government to carry into effect measures, the object of which was to ameliorate the condition of the slaves in the Crown colonies. If the House should do so, the charge that would devolve on this country to carry such measures into effect would not be very great, and it would be only for a limited time. The sum of 57,000*l.* would be all that would be required to be given to those colonies, as the proportion which it was intended this country should contribute to the payment of their internal expenses. Seeing that such a general desire existed amongst a large body of persons in this country for the amelioration of the condition of the slaves, and taking for granted, as, indeed, many of the petitions presented to that House from such persons fully warranted him in doing, that they would have no objection to the giving just compensation to the planters for the losses which they would sustain by the carrying of such measures into effect, he felt confident that the House would be ready to grant the powers proposed to be given to the Government by this Bill.

Mr. *Hume* wished to know whether there had been any applications from those colonies for this species of relief?

Lord *Althorp* said, that several persons connected with and representing those colonies, had called on the Government to redeem the promise contained in Lord Goderich's despatch.

Mr. *Hume* hoped that copies of such applications would be laid before the House.

Lord *Howick* said, that the Government had never recognized any individuals as agents for the Crown colonies, and therefore that there were no applications of that description which could be laid before the House.

Mr. *Burge* said, that if there had been applications made on the subject to Government, they must have been made in the shape of written documents, and that they therefore could be laid before the House. He had heard from individuals connected with Demerara and Berbice, that no such applications had been made from those colonies.

Lord *Althorp* said, it was rather an odd thing to tell persons who had made a promise, that they should not perform it until they were called upon to do so.

Mr. *Keith Douglas* thought his Majesty's Ministers should give the House further information before proceeding to the vote. They had proposed formerly some fiscal relief for those colonies which adopted the Order in Council. The Crown colonies had remonstrated against that order, and he knew some of them which had adopted it. The noble Lord said, Trinidad had adopted it, but the hon. Member, who was the agent for that colony, had assured him, that the adoption there was only partial. He said there was something like the order adopted there. The noble Lord stated, on a former occasion, that before he called upon the House to give a vote upon the question, he would lay before it certain additional explanations beyond those given on the 15th of March, which would show distinctly that he was justified by the adoption of the measure in the Crown colonies, in calling upon the House to give a vote upon the subject. The only explanation, however, that had been given was, the letter of Lord Goderich to the colonies, in which he said, not that the Order in Council had been anywhere adopted, but that if it were adopted, a certain sum would be placed at their disposal. This was no sufficient justification for the House voting this money. The noble Lord had, during the whole of this Session, been prevented from granting a fair discussion on the principle of this measure; but now, at this period of the Session, he called upon the House to agree to a vote which would sanction the whole proceedings of the Government under this Order in Council, although almost every Member interested in the question was absent. At that period of the Session, therefore, he should resist a vote of money for this object.

Mr. *Marryat* said, the question was whether the Order in Council which had been referred to was in force in Trinidad in November last. He had had various letters from that colony upon this subject, and one from a person who had gone out from this country in great alarm upon the promulgation of the order. He was a planter, not only in Trinidad but in Grenada; and after seeing the Order in Council in operation in Trinidad, he wrote from Grenada, that he did not think any bad effects would result from the Order; and observed, "There may be less work done by the slaves, but a reduction of the duties is held out as a remuneration." There was some opposition to the enforcement of the Order in the first instance; but the people finding that it was not so objectionable as it at first appeared, and relying upon the promise of relief held out by his Majesty's Government, exerted themselves to carry it into effect; and the result was, that it had been effectively promulgated throughout the island. Under these circumstances, the House would not be justified in refusing to redeem the pledge of his Majesty's Ministers.

Mr. *Courtenay* said, the question was

not exactly as the hon. Member stated, whether the Order in Council had been carried into effect in Trinidad, but whether it were expedient, under all the circumstances of time and other things, to go into Committee. He was not satisfied upon that point. The noble Lord said, a promise had been made to these colonies. What was this promise? Lord Goderich's despatch stated, that his Majesty's Government "resolved to apply to Parliament, when it shall appear to its satisfaction that the Order in Council is in operation." The Noble Lord now proposed to go into Committee without a tittle of evidence being laid before the House that the Order in Council was in operation in any one of the colonies. He had been surprised to hear his Majesty's Ministers cheer the hon. Gentleman who had just sat down, who is the agent for Trinidad. And though he might have confidence in the authority of his hon. friend, his Majesty's Ministers, who acknowledged no agents for the colonies, could pay no attention to him. But even if there was complete evidence of the Order in Council having been adopted, he should not be satisfied of the propriety of proceeding further at present, for it was impossible to separate this question from the merits of the Order in Council. He did not mean to say that he was prepared to give an opinion upon that Order in Council; but he was prepared to say that the 3rd of August was not the time of the year at which a vote ought to be taken on this subject. He did not wish to break a promise made to the Colonies, but as a Parliament must meet very soon after Christmas, it would be better, in his opinion, to postpone the subject till then. Government would then, probably, have full evidence of the Order in Council having been carried into effect, and it would be easy to make the vote retrospective. Any slight inconvenience experienced by the colonists from the delay, was not equal to the unseemliness of agreeing to the measure without information.

Sir *Adolphus Dalrymple* said, there could be no greater proof of the incapacity of the Government, than the exhibition now made. His Majesty's Ministers had the power of framing laws for the Crown colonies, by means of Orders in Council, and they had sent out such laws to the colonies, that, after they had been promulgated for nine months, they begged the House to vote 57,000*l.* as a bribe to those colonies which should obey their laws. The mother-country was like a hot-tempered parent giving hasty commands to her children, and afterwards holding out a sugar-plum as the reward of obedience? The noble Lord opposite might smile, but the Secretary for the Colonial Department never had a more difficult task than the noble Lord had, to explain how it was that Orders in Council were framed, which Ministers had not thought it expedient to enforce on all the colonies, but had omitted one. Being issued by the King in Council, they only came under the judgment of the House of Commons because a vote of money was necessary; but having been brought before them, it was impossible for them to vote money to carry them into effect, without signifying their approbation of the Orders in Council themselves, and in fact, adopting them. In Lord Goderich's despatch of the 6th of December, he said, that at the earliest date after the estimates of the year had been prepared, a measure of relief should be brought in for the Crown colonies. Those estimates were partly voted before the 5th of April, and his Majesty's Ministers having waited till nearly the 5th of August to consider what they should do, now called upon the House to approve these important measures of colonial policy. He agreed with his right hon. friend who had just spoken, that this was not the proper time to sanction such measures.

Lord *Howick* far from thinking with the hon. Gentleman who had just spoken, that the course pursued by his Majesty's Government could with difficulty be justified, was confident that the propriety of that course was so evident, that it would be an apology for the inability of the person who then rose to defend it. The hon. Member said it was somewhat extraordinary that his Majesty's Government should have issued an Order in Council, and five months afterwards be forced to come here and say they were ignorant whether that Order in Council had been enforced, and whether they had it in their power to enforce it. The hon. Member could not have quite correctly heard what had been stated by his noble friend, viz., that his Majesty's Government thought proper to issue the Order in Council, being convinced it would tend much to ameliorate the condition of the slaves. His Majesty's

Ministers had not said that they were ignorant, whether the law had been enforced or not, but had, on the contrary, said in their despatches, that they were prepared and determined to enforce the law in all the colonies over which they had control. At the same time it was perfectly true that there might be for a time resistance to the Order in Council, but Government had not said it would yield to that resistance, or, as the hon. Member expressed himself, give the colonies a sugar-plum for compliance. They had certainly said, that relief to the slave, and to the planter, should go hand in hand. The promise of relief had not, therefore, been held out as a bribe to the colonies, but as a boon to which they had a claim, the moment the reason for withholding it was removed. The hon. Member had said, that the Government had issued an Order in Council in which they placed so little confidence, that they did not send it to one of the colonies in which the Crown had the power of legislation. It was true that the Order in Council had not been sent to the Mauritius on account of the change which had taken place in the judicature of that colony, and the resignation of the Governor. With regard to the latter, there was already quite sufficient proof of the injurious consequences attendant upon proceeding when the acting officer was not strictly and altogether responsible for the exercise of the power reposed in him. Since that period the appointment of a Committee of the two Houses of Parliament had undoubtedly rendered it impossible to make any change in the existing law pending that inquiry. Such were the circumstances under which this Order in Council was suspended; but there was not the remotest doubt that it would have been attended with ultimate benefit and advantage. As it seemed to be the general opinion of the House that this was not a convenient opportunity for going into details, there was only one other point to which he would refer; that raised by the hon. Gentleman who spoke last but one, who said that the grant of money to the colonists might be construed into an approbation of the provisions of the Order in Council. If the question of slavery had only lately been agitated—if the opinion of the House and the public had not been decidedly expressed upon the subject—he might have agreed with the right hon. Gentleman; but would that right hon. Gentleman venture to say, that the Order in Council went further in improving the condition of the slaves than public opinion demanded? Did he venture to say, that a less degree of improvement in the lot of the labouring population of the colonies was advisable? It was of the utmost importance that this question should be amicably and speedily settled. Would it not be unjust, if the boon promised to those colonies should be withheld, when they had done what we had required of them? Would it be advisable for that House to declare to those planters who had improved the condition of their slaves, that even they should not receive relief? In his opinion, such a notion would much enhance the difficulties that now prevented the settlement of this question.

Lord *Sandon* agreed with the right hon. Gentleman (Mr. Courtenay) in thinking it somewhat extraordinary that, at this moment, the House should be called upon to give an opinion on a question which, although it had been a subject of conversation, had never been discussed in the House. They were about to vote a sum of money, without going into the merits of the vote. If it had been a vote of remuneration to the planters of Trinidad, who, trusting in the Government, had been exposed to pecuniary losses, he should have willingly acceded to such a vote, because it would not involve approbation of the Orders in Council. But, in this case, they were to legislate prospectively. They were not holding out remuneration for losses already incurred by the planters, but this boon was to be held out to all those who should hereafter accede to measures of such a nature that the Government itself was not satisfied with them. Viscount Goderich's despatch stated, that they were open to modifications. Some of these modifications might turn out to be very important in their practical effect upon the general plan. And it was a most extraordinary circumstance that, although Viscount Goderich admitted, without being called upon, that modifications might be made, the House of Commons were to offer a boon to the colonies, if they would adopt those measures without any modifications at all. Some of his constituents who had property in Demerara, had sent out orders to their estates to acquiesce in the provisions of this Order in Council, whatever might be the pecuniary loss consequent upon so doing. And were not these persons to receive any relief, but to suffer because the planters themselves refused to accede to the act of the Government? He understood the necessity of binding the minority by the majority, and, therefore, if the question respected the legislative colonies, he could understand the measure; but in the case of the Crown colonies, where no legal corporate body was recognized, he could not see the justice of the minority who acquiesced being punished for the faults of the majority who did not acquiesce. Where there was no legislative assembly the inhabitants were a mere collection of individuals, each of whom must stand or fall by his own act. These were some of the practical difficulties that appeared to him to be involved in this question. It was totally new, so much so, that he had had no opportunity of consulting any one upon the subject. He was naturally most anxious, in the course he should pursue upon this subject, to consult the interests of his constituents. After they had been so long advocating the principle which the hon. member for Middlesex frequently contended for—that of the colonies bearing their own expenses—and after they had been year after year cutting off a portion of those expenses, the existence of which had been so much condemned, he certainly was much surprised that they should now suddenly, and without notice, be called upon at the very end of the Session, no notice whatever having been previously given, to retrace their steps, and to undo that which they had been so long and so eagerly endeavouring to do. He did not express this opinion merely for the sake of objecting or throwing an impediment in the way of his Majesty's Ministers, but because this question was an entirely new one, which the parties interested in had no opportunity of discussing. Upon these grounds, and believing that the noble Lord himself admitted the advantage of allowing some modifications, he felt himself compelled, however reluctantly, to oppose the Motion now under consideration.

Dr. *Lushington* thought it was an extraordinary spectacle that many Gentlemen intimately connected with the West-India colonies, should oppose a measure which must be a benefit to those colonies. It required little penetration to perceive by what motives those hon. Gentlemen were actuated. The measures of the Government showed, as far as it was possible for them to lay their intentions before the House, that they intended to give relief to the colonies by this and other measures. It was a total mistake to say that the boon now under discussion was for the first time offered to the colonies. It was not now for the first time that certain advantages were held out to them if they pursued a particular line of conduct, because there were papers of nearly a twelvemonth preceding to the same effect. The communication of Lord Goderich was in substance this—'We are of opinion that it is indispensably requisite that a certain Reform should be introduced in the present state of the slave population, and we are also convinced of the great and severe distress under which all the colonies, without any exception, are labouring. We consider, that measures directed to both these objects ought to be carried into effect at one and the same time, and provided you are ready to listen to the advice of the Government, and you, the Crown colonies, to render obedience to the law, the Government is prepared to recommend to Parliament a measure that may give relief to the whole of the colonies.' That was the state of things prior to Christmas. The issue of these negotiations was, that the chartered colonies rejected *in toto*, the measures proposed by the Government for the amelioration of the slave population, and some of the Crown colonies were inclined to offer as much resistance as their condition allowed. In this situation it was impossible for the Government to recommend any general measure of relief, without departing from the principle originally laid down, namely, that no relief should be provided until the chartered colonies followed the advice of the Government. The Government was justified, indeed necessarily called upon, unless it intended to abandon the first and great principle, to decline proposing to Parliament and the country any of those extensive measures which might, in some degree, have mitigated the severe distress of the West-India colonies. But could it be said that that was a reason why the promise held out to the Crown colonies by the Government, should be departed from? In the Crown colonies Government had the power, and in the chartered colonies it had not the power, of enforcing its orders. On the promulgation of these orders; when it was necessary for the Government to carry those orders into effect, notwithstanding any attempts at resistance was the Government, then, to turn round on the Crown colonies and say, "Because we have not the power now, or because we do not think it right to resort to Parliament for additional power for the purpose of compelling the chartered colonies to agree to the measures which we have suggested, therefore we will deprive you of what we held out to you as a reward, if you would contribute your means towards the carrying into effect these regulations." If the Government had adopted such a course, nothing could have been urged in extenuation of it; they would have been wanting in their duty, and they would have broken faith with the Crown colonies. What was the course suggested by hon. Gentlemen opposite? In some of these colonies there had been a great resistance, and they had endeavoured, if possible, to evade the execution of this Order in Council. Hon. Gentlemen opposite probably thought that if it were possible to withhold the boon which had been promised to those colonies that had obeyed, they would also refuse to obey the Order, that there would then be some excuse for the contumacious resistance of the chartered colonies, and by having all parties combined together, they might be able to resist the Government, the House, and the country. These, and no other, were the objects in view. Could it be said, however, loss having arisen from the enforcement of the Orders in Council in the Crown colonies, that the sufferers were to receive no reparation, because the Orders in Council had not been obeyed elsewhere? When the Order in Council was carried into practical operation, they should hear no more complaints upon the subject, and letters similar to those which had been referred to by the hon. member for Sandwich, would arrive in this country as soon as a fair and patient trial of that Order had been made. It had been said, that no discussion had taken place on the merits of this Order. Was this Order in Council, then, different from any hitherto heard of? Was there no Order in Council drawn up in the year 1826, during the time that Earl Bathurst held the Seals of the Colonial Department? All the provisions in this Order in Council, without exception, had been carried into execution in some colony or other; and there was nothing wonderful, nothing extraordinary, in its provisions. It had been said, that Government was coming forward with this boon voluntarily; that there was no demand made, and that there was no claimant seeking the performance of the promise. It ought to be considered, that there was some little difficulty of communication between Demerara, Trinidad, Saint Lucie, and this country. Moreover, the appointment of the Committees of both Houses of Parliament had put the subject in a different state; and they should also remember, that it was not till May last that the Government could select some mode of relief to be applied to the Crown colonies which received the Order in Council, and which should not be enjoyed by those colonies where that Order was not enforced. When the Government held out to the colonies, as the certain consequence of the enforcement of particular regulations, that they would take upon themselves to recommend to Parliament and the country certain measures which would render them effectual assistance, was it possible for them to resort to the paltry excuse—he had almost said the subterfuge—of postponing the execution of a fixed, a definite, and a solemn promise, until the next Session of Parliament? For what purpose should this be done? For the purpose of rendering those who were still desirous of opposing the enforcement of the Order in Council still more discontented, and making the combination against the Order in Council still more firm, strong, and efficient than at present. As to the Order in Council not having been sent to the Mauritius, did not every man know that it stood on a very different footing from the West-India colonies? He did not defend that island—he did not advocate the practices pursued there: on the contrary, in no country, in no place whatever, had slavery ever existed in a form more appalling and frightful, or more prolific in crime, in iniquity, and in the worst of cruelty, than in that island; but it was to be recollected, that, contrary to law, 30,000 slaves had been imported there since it had been in our possession; therefore, the difficulty was much greater in that than in any other of our colonies. Government would do well not to propagate a measure, however proper or necessary it might be in a place where they had not sufficient strength to carry it into effect. He trusted the day was not far distant when this

Order in Council would be law there as well as elsewhere; but, at the same time, by not proceeding upon it in that place just now, all possibility of opposition was prevented, and the consequences that must inevitably result from a display of resistance in that island, avoided. Under these circumstances, even he, anxious as he was for ameliorating the condition of the slaves—desirous as he was of this Order being carried into full effect—would rather it were delayed for some short time, than he would have the whole object of the provision frustrated. On the general subject he had no doubt he should be represented as hostile to the colonies. Whoever entertained such an opinion was most decidedly in error. Although he was hostile to a state of slavery, he always had professed, and now professed himself most desirous, provided slavery was extinguished, of adopting and supporting, by every possible means, such a course of policy with reference to our West-India islands, as might enable them once again to return to that state of happiness and prosperity in which it was his firm and sincere belief they never could exist so long as slavery continued. Far from entertaining any repugnance to this vote, he gave it his humble but sincere support, being prepared to go hand in hand with any Government in relieving the distress of the colonies, which would concur with him in improving the condition of their slaves.

Mr. *Burge* said, it was unfortunate that those who supported the interests of the colonies were sure to be assailed with a charge of being actuated by personal and interested motives. Was it necessary for the hon. and learned Gentleman who had just sat down to make such a charge, when those who opposed the present Motion were speaking the sentiments of the Crown colonies, for those, with the exception of Trinidad, with which his hon. friend was connected—those colonies were opposed to the Order in Council, not because they were opposed to measures that might ameliorate the condition of the slave population, but because there were in that document means of amelioration pointed out which the planters could not and would not adopt; and, for this reason, that there were other modes of improving the condition of the slaves, which might be put in practice without entailing upon the planters the ruinous expense consequent upon the adoption of the Order in Council. Without entering into the objections of the Crown colonies, which objections would not be removed by the grant of money, there was enough in the circumstances under which this proposition was brought forward, to justify any Member of Parliament in opposing it, even though he had no connexion with any colonies. What had been the course pursued by his Majesty's Government? The documents on the Table showed that, in November last, the colonies expressed a decided objection to the Order in Council. As soon as the despatches, and the answers to them, were laid upon the Table, his Majesty's Ministers were asked, over and over again, to state their views, to inform the House to what extent the Order in Council was adopted in the different colonies, and to point out the course they intended to pursue. The noble Lord, the Chancellor of the Exchequer, moved the sugar duties for six months only, on the express ground, that before the vacation, his Majesty's Government would bring forward a statement of their general views on colonial policy, and a specific measure of relief that would give assistance to all the colonies. In consequence of that declaration on the part of the noble Lord, the opposition which the noble Lord was aware might have been made that night with success, was withdrawn, and the noble Lord was permitted to take the vote which he required. Subsequently the noble Lord, the under Secretary of State for the Colonies, was asked various questions with respect to the intentions of Government;—week after week, and day after day, questions on colonial subjects were asked, and no communication was made of the intention to pursue such a plan as that which the House was called upon at the very termination of the Session, with but few Members present, to approve of. The right hon. Baronet, the member for Tamworth, had always reprobated the colonial policy of his Majesty's Government; and if he could have foreseen, that, three or four days before the termination of the Session, this subject would have been introduced, he would, most probably, have been in his place to protest against a course of policy repugnant to every principle involved in this great and important question. It had been said, that the Government could not make up their minds upon the subject, until the Committees of both Houses of Parliament were appointed, and that such appointment did not take place until May. Whose fault was that? Certainly not the fault of the West Indians, for they had been imploring the Government ever since September last to grant those Committees, and it was not until that meeting took place in the city of London, at which all the leading persons connected with West India interests attended, and expressed their opinions in strong and pointed language, nor until a noble Earl brought forward their petition in another place, that his Majesty's Government thought proper to consent to the appointment of those Committees. His hon. and gallant friend (Sir A. Dalrymple) was quite right, in saying that the noble Lord, the Under Secretary of State for the Colonies, would find it a task of some difficulty to defend the policy of the Government. The question was, not whether the condition of the slaves should be ameliorated, but whether the House was to enforce a small degree of amelioration, on terms most injurious to the planters. It was not necessary to enter into that question, and still less was it necessary to enter into a discussion of the question of slavery, and he wished the noble Lord would imitate the reserve of one of his colleagues, the right hon. Secretary for Ireland, and look at this question in the calm, judicious, and temperate manner, in which that right hon. Gentleman had treated it in one of the addresses put forward by him to the electors of one of the places for the Representation of which he was a candidate, wherein he had the manliness not to equivocate upon the subject, but to say that he was desirous of slave emancipation, at a time, in a manner, and under circumstances, that would not be injurious to the property of the planters, and destructive to their best interests. That right hon. Gentleman had properly said, that the subject required to be viewed with calmness, and that this was the last question which an honest man, meaning well to his country and to the cause of humanity, ought to be induced to view with haste and precipitation. It had been said, "You will not, surely, refuse to give relief to the Crown colonies, simply because they have not claimed the performance of the promise which we made to them?" What he meant by his former observations was, that there might be some promises, the performance of which would be detrimental to the interests of both parties. When he heard the noble Lord, the Under Secretary for the Colonies, expressing himself in such strong terms in favour of this Order in Council, he could not help saying, that that noble Lord had no authority for making that statement. In a despatch which bore the name of Lord Goderich, it was declared, that it was impossible to legislate for the colonies except in Downing-street, for there were not in the colonies persons of sufficient legal knowledge and technical skill to frame the necessary enactments. He certainly was surprised to find these doctrines advanced by the noble Viscount, when he recollected that a very distinguished person, now at the head of the law department of the Government, the Lord Chancellor, had been in the habit—when no particular purpose was to be answered—when it was not necessary to seek to cultivate popular opinion,—when he was deliberately sitting in his closet to pronounce an opinion on the proper course of colonial policy—of reprobating any attempt, on the part of any persons, to convert themselves into a legislature for the colonies. The noble and learned Lord had expressed an opinion in his book upon this subject, which afforded so pointed and complete an answer to his present opinion, and the opinion of the noble Viscount, that he (Mr. Burge) would take the liberty of troubling the House with it. He said—'But the details of the slave laws require 'a more minute and accurate acquaintance 'with an infinite variety of particulars 'which can only be known to those who 'reside on the spot. To make laws of a 'domestic kind for the colonies would be 'a task which no European Government 'could undertake from a want of the necessary information.' The noble Viscount contradicted this opinion by asserting that this Order in Council was so complete and so perfect, that this House ought to accede to it without any information whatever. One hon. Gentleman said, that Trinidad was entitled to this compensation, in consideration of the losses sustained by acting on the Order in Council; whereas, according to the argument of another hon. Gentleman, this Order in Council was so perfect that it was actually a most inestimable advantage to the colonies in which it was enforced. If this were so, what became of the claim for compensation for complying with the regulations of this perfect piece of legislation? Now, whatever might be the merits or demerits of the Order in Council, this was not a course of proceeding which the House ought to sanction. At all events, they were not required to proceed without previous notice, and without any communication with those who were interested in the welfare and prosperity of the colonies. It was not till three nights ago that he heard it was intended to propose this relief for the Crown colonies, not on account of the evil consequences produced by the perfect law, but as a conditional remuneration. If the House looked to the principle and the mode in which it was to be acted upon, they must at once see that there were insurmountable objections to it. How was it to be known when this law was actually in full operation? Were they to take it upon the Governor's representation? They were not to take it upon the representation of the agents of the Crown colonies, because the noble Viscount did not recognize them, though the affairs of the colonies would be somewhat better administered if the noble Lord were a little more in communication with those agents, and if he had only looked to the detailed objections, on the part of the colonies, to this Order in Council, he would not have called upon the House for its decision. It was said, because an opposition was made to this Order in Council on the part of those connected with the chartered colonies, that they were opposed to an amelioration in the condition of the slaves. This was not a fair argument. A man might be an advocate for an amelioration in the condition of the slaves, and yet oppose this Order in Council upon the ground that it would be unsuccessful in its application, and that it was not adapted to the circumstances of the colonies. He did not know whether the noble Lord had laid upon the Table the answers from the different colonies, pointing out the objections to this Order in Council; but he knew that, from Demerara, and another colony, a very strong protest had arrived against the Order. It had been said by his hon. friend, that his correspondent went out to Trinidad shortly after the Order in Council was sent out in November last, and that a letter was received from Grenada, in which it was stated that the Order in Council was working well. Certainly this Gentleman could have seen very little of its effect at that time; but if his hon. friend gave credit to that information, he should have laid it on the Table. He should like to know whether the Governor of the colony represented to the Government that this Order was in full operation in Trinidad. If he had done so, the House would most likely have been furnished with this information; but certainly, as it was, they had before them no document showing that, in the opinion of those who had had practical experience of the Order in Council, it was one to which the House ought to accede; and yet they were, in the absence of all information, at this late period of the Session, when hon. Gentlemen connected with the Government were running all over Westminster Hall, for the purpose of picking up and keeping together the few stray Members who were left in town—the House was called on to approve of the Order—to relieve his Majesty's Government from the responsibility attaching to it, and to surrender at once their regard for the colonial interest, and their sentiments and opinions to the judgment of the noble Lord opposite (Lord Howick), in whose general conduct, or in the tone and temper in which he argued these questions, he saw nothing to warrant his confidence. Let the question wait till the Committees had inquired into the practical operation of the Order, and, till they had compleated their inquiry, it was indecent, on the part of the Government, to ask by their vote the indirect sanction of the House to its proceedings.

Mr. *Hume* said, that the details of that Order in Council were such a mass of absurdity that it was totally impossible they could be carried into beneficial effect. As the noble Lord had alluded to it, he would read one sentence of the letter, by which the House would be able to see how capable men sitting in Downing-street were to legislate for colonies, the habits and customs of which were as different from each other as possible. Before one alteration was carried into effect, down came another alteration to suspend the former one, and such was the kind of proceeding adopted, that it would be more than a miracle if such a system could succeed. His hon. friend, the member for Sandwich, was ready to support these proceedings, and yet his signature was to be found to a document condemning every detail of the Order, and regretting that he had not been able to obtain more, stating that he was obliged to be content with those, but that he must protest against the Order as highly injurious to the colonies. He must complain of the hon. Gentleman for condemning this Order in Council, not directly, but by *innuendo*. That it would answer the purpose for which it was intended, he believed no man in or out of that House would attempt to say, therefore it was neither fair, candid, nor consistent, for the hon. Gentleman to act as he had done with reference to this question. He would appeal to the noble Lord who had taken upon himself the part of indirectly obtaining the sanction of the House to the Order in Council, by calling for a grant of money, whether he believed that, at any time, a motion was ever made in that House for a grant of money to carry an object into effect until it was previously determined that that object was a proper one. For these reasons the present vote was proposed contrary to all practice—contrary to every precedent, and in direct violation of every principle, on which the House had hitherto proceeded. Look to the correspondence of the late Colonial Secretary with the Treasury! Look to the expense incurred on behalf of the colonies, amounting to two millions and a-half in two or three years! For some time past, from day to day, the object had been to cut down the expenses of the colonies; and now, at this moment, without notice—without information—on this, almost the last night of the Session, was the House called upon to vote 57,000*l.* for they knew not what. He himself was ignorant, at that moment, of the fact of that Order having been carried into effect in any colony. If he were to form an opinion from what he had seen in the public newspapers, he should say it had not been carried into effect, the protest itself rendered it impossible; and he would not believe that it had been carried into effect, unless they had upon the Table some document to prove that it had been, which could not be disputed. But there was no such document; on the contrary, on the very admission of the noble Lord, the Government dared not send out to the Mauritius an Order in Council which they had sent out to the other colonies. Was there ever an Administration which proceeded upon so absurd a principle? This Motion took the House by surprise. They ought not to vote the public money away without knowing how it was to be spent. If 150,000*l.*, or treble the amount, would effect the abolition of slavery, he would vote it willingly and cheerfully for that purpose, but he would not vote away money in driblets to create a state of warfare and dissatisfaction. There surely was enough of that already. Look to the contests now going on, not only in the Crown colonies, but also in the chartered colonies; and were they to put into the hands of the Government the means of adding to the discontent and dissatisfaction, the existence of which was already alarming. He considered he had a right to complain, because the noble Viscount stated in his letter of the 13th May, to the Governors of the colonies—and he was glad to find even at this eleventh hour that the Government would reconsider the question—"Although I stated before, that we were determined to enforce that Order, and that we were determined to carry its provisions into effect at all hazards, we have since seen reason to alter that opinion; we have yielded to the appointment of a Committee of the House of Lords and a Committee of the House of Commons, and we do not intend to take any measures until the result of that inquiry is made known." The House had been told that nothing should be done until the result of the labours of the Committee were known, or until the provisions of the Order in Council had been fairly tried. He very much doubted whether they had ever been tried at all. "Great objections," said Lord Goderich, "have been raised to the provisions of the Order in Council;" and well they might. At a meeting held at Saint Lucie, on the 4th January, it was stated that the Order in Council compelled the planter to furnish the slaves with double the quantity of provisions allowed to the King's troops, limiting the labour, at the same time, to nine hours less than in many of the factories in England; and, at the same time, the masters were compelled to give them such clothing as they themselves, in many instances, were utterly destitute of. Was it not reasonable that these details should be considered as acts of the grossest and most extraordinary absurdity? It went on thus—"On the other hand the letter transmitted to Lord Goderich, by the Governor of Trinidad, written by the Chairman of a Committee in that island, on the 31st of December last, contains the following passage:—'No planter who values the health or comfort of his negroes, would substitute in place of the wholesome and far more economical food provided by law, the expensive allowance which is now proposed.'" Here the noble Lord stated the manner in which the Order in Council had been received in the different colonies; and how did he conclude? Why to show how useless the Order was after all, each colony was left to manage for itself. It was in fact left to the Governor to find out the best regulations after the absurd directions given in these details about the clothing of the slaves, and their razors, and their shoes. He hoped they were to wear great hobnailed shoes, like our clodhoppers—they would suit the climate so remarkably well: above all, he hoped they were to wear leather breeches. A story was told by Sir William Jones about leather breeches, very applicable to the regulations proposed by his Majesty's Ministers. When two Judges first landed in India they were taken from the boat, as was the custom, by natives who wore no clothing, with the exception of a wrapper round the middle; in fact, the heat was so great that it would not allow of their wearing any other description of clothing to work in. Upon seeing this, one of the Judges who was a very philanthropic man, addressing the other said "Look at these wretched slaves—poor ill-used men! if we have any influence here, they shall all have leather breeches before long." It was provided too by these new regulations, that every one of these men should have a razor every year. An annual razor! Could any thing be more absurd? He would tell the noble Lord that the razors he bought in 1795 he had to this day, and, unless the negroes' razors were like the razors Peter Pindar spoke of, "made to sell," he could not understand the necessity the negroes would have for so frequent a supply. If the House sanctioned the vote, it would sanction all this absurdity, and at once commit themselves to this miserable system of policy, than which he never heard of one more indefensible. The hon. and learned Member had talked about a subterfuge. If he were to characterize this Motion, he should be disposed to say it was something like a subterfuge. The whole proceeding appeared so irregular, that he hoped the noble Lord would consent to postpone it. There was no pressing reason for its being urged forward. Who asked for this money? Nobody. If the noble Lord had been asked for this vote, let him produce the documents, because this acting upon hearsay, was neither creditable to the parties concerned, nor just to the House. When a large vote was asked for, the least that could be done was to establish some ground in favour of it. They had heard of a promise—it was usual to have two parties to a promise—but in this case the noble Lord was the only party; and, having made a promise to nobody, and nobody calling upon him to fulfil it, he certainly was proposing a vote without any ground whatever. He regretted to hear it stated by the hon. member for Sandwich, that the Order in Council had been carried into effect. Did his hon. friend mean to say that he would now sanction measures, which he had before censured in no very measured terms—which he had declared would be productive neither of advantage to the master nor of benefit to the slave—but which would destroy the commercial relations existing between this country and the colonies? Was it possible that he could have forgotten a document to which his signature was affixed? It was admitted that the evils of slavery were more strikingly exhibited in the Mauritius, than in any other colony belonging to England? If atrocities existed in that colony, let a remedy be applied; but was it fair in Government to exercise all their power, and display what they conceived to be their magnanimity, to compel colonies where much amelioration had taken place to do that which, according to the statement of his hon. friend, would ruin both master and slave, and render the colonies unproductive? How could his hon. friend reconcile the non-extension of this order in Council to the Mauritius, with his previously-declared opinions? The Mauritius was, as a matter of favour, placed on the same footing as the West India Islands, with respect to the importation of its produce into this country, against the wishes of the West-India interest. It was said at the time, that if this boon were granted, the Mauritius would defray the expense of its Government. It was undeniable that 30,000 slaves had been imported into the Mauritius since the peace; and it was admitted that the evils of slavery were greater there than in any other British colony; and yet no attempt was made to produce amelioration. He called upon the House therefore to pause, before it sanctioned measures which would be unequal in their duration — measures which had been brought forward without notice—and contrary to the noble Lord's own statement. When the sugar duties were granted for six months, the noble Lord was pressed to state the manner in which relief was to be given to the West-India colonies. The noble Lord replied that he was not then prepared; but that he would give ample notice before he brought forward any proposition on the subject. Had he done so? Certainly not. He entreated that noble Lord not to press for this vote, but to wait until the Committee gave in their Report, and then he might, if he pleased, adopt every one of their suggestions.

Mr. *Marryat* said, that the document which the hon. member for Middlesex had quoted, was signed by him as Chairman of the Committee from which it emanated. In that character he protested, in the strongest manner, against the issuing of the Order, and had made every exertion to arrest its promulgation, but without success. He had also addressed observations to Government, on some provisions of the Order, which were modified in consequence. When, however, the Order was promulgated, and became the law of the colony, was he to advise a contumacious resistance on the part of the colonists, or recommend them to adopt it, trusting to the assurances of Government to modify such of its provisions as upon trial should prove oppressive and vexatious? The latter course was the one he resolved to pursue as most consonant with his own feelings, and what he considered the best interests of the colonists, and he had used what little personal interest he possessed to promote its adoption. Many of the most objectionable provisions alluded to by the hon. member for Middlesex regarding labour food, and clothing, were found, upon examination, not to be compulsory, but commutable with the slave, and he trusted that the modifications now under consideration would remove the principle objections to the Order.

Lord *Althorp* did not see, that the decision which, he trusted, the House would come to in favour of the vote, could be construed into an expression of approbation of the details of the Orders in Council. The facts of the case were these the Secretary of State for the Colonial Department informed the Crown colonies that a proposition would be submitted to Parliament to give them relief, if the Orders in Council should be adopted and acted upon. The proposition submitted to the House would empower Ministers to extend the promised relief, in case of the Orders in Council being fairly enforced in the colonies. It was said, that Ministers had not laid upon the Table of the House any proof that the Orders in Council had been acted upon. He admitted that they had not produced any such evidence; but they stated that it was not their intention to give any money to the Crown colonies, unless the Orders in Council were acted upon by them. If, however, the House should not give the Government the supply which it demanded, it would be impossible for them to fulfil the promise they made to the colonies. His hon. friend the member for Middlesex, appeared to entertain very strange notions of the nature of a promise. He said there must be two parties to it; and one might be absolved from fulfilling his promise, because the other did not call upon him to do so. That was a most extraordinary doctrine. His hon. friend, appeared on this occasion, to be pursuing a course which wss calculated to throw discredit upon those who wished to improve the condition of the slaves. No doubt his intention was different; but that appeared to be the tendency of his argument, when he opposed a proposition, the object of which was, to enable Government to fulfil the promise made to the Crown colonies, upon the condition of their adopting regulations intended for the amelioration of the slaves. His hon. friend read a quotation to the House, but he conveniently omitted some sentences, relating to the provisions allowed for the slaves. Lord Goderich observed that the allowance which was condemned as extravagant in St. Lucia, was not less loudly complained of as pernicious in Trinidad; and that in both places the Governor had the power of making such substitutions for the required allowances as the exigencies of the slaves might demand, provided that the food of the slaves were not thereby reduced below what was necessary for their support. He was surprised that his hon. friend could say, that this was an alteration of the Orders in Council, when, in fact, it was only the fulfilment of one of the regulations of those Orders. An attack had been made upon the hon. member for Sandwich, because he fairly stated that he did not find the Orders in Council quite so objectionable as other hon. Members. At first, the hon. Member felt great objection to them, and signed a protest against them; but as they had become the law of the island with which he was connected, he recommended the inhabitants to conform to their provisions, and added that, though his original objections were not removed, they were considerably weakened. This might be called inconsistency, but, in his opinion, it was what no man should be ashamed of avowing. The question before the House might be reduced to this. The Government, in obedience to resolutions of the House, sent out certain regulations to the colonies, and stated that certain advantages would be given to those colonies in which they should be enforced; and the House must decide whether they would give the Government the power of fulfilling that promise. He did not feel it necessary to enter into the details of the Order in Council. He would only state that the colonies having performed the condition upon which the promise of the Ministers was made, they were bound to fulfil it. It might be that the condition in question was detrimental to the colonies; but it was already performed, and the fulfilment of their promise could be productive of nothing but benefit. With respect to the argument that the grant should be postponed until it were ascertained that the Orders in Council had been carried into effect, he could only say, that this would be depriving Government of the power of fulfilling its promise as soon as the condition upon which it was given was performed. It would be neither more nor less than saying, that the Government should not have the power of granting the colonies the relief which it had led them to expect. The public was looking, with great anxiety, to this question; and he was well pleased that the House should grant the Government the means of carrying into effect the measures which had been devised for the amelioration of the condition of the slaves.

The House divided—Ayes 51; Noes 20: Majority 31.

List of the NOES.

Baillie, Colonel
Burge, W.
Capel, J.
Courtenay, T. P.
Dixon, J.
Fane, Colonel
Forbes, Sir C.
Hope, H.
Hume, J.
Hunt, H.
Ingestre, Viscount
Lefroy, T.
Lowther, J. H.
Pelham, Cresset
Ross, C.
Sandon, Viscount
Sibthorp, Colonel
Trench, Sir F.
Wetherell, Sir C.
Wigram, W.

TELLERS.

Holmes, W.
Douglas, K.

The House went into Committee.

Lord *Althorp* moved, that his Majesty be enabled to grant, under certain conditions, out of the Consolidated Fund, a sum not exceeding 58,000*l.* for the relief of the Crown colonies in the West Indies.

Sir *Adolphus Dalrymple* repeated his objections to the measure, and the lateness of the period when it was brought forward. Taking it altogether, this was the most extraordinary measure he had ever known, and showed the weakness of the Colonial Department.

Mr. *Warburton* approved of the end of the measure, though he might not approve of the means for obtaining it. Means were suggested in the Committee for West India relief, which would have had the same effect, without burthening this country.

Lord *Howick* said, the original object of Lord Goderich and the Government was to adopt a measure of fiscal relief; but in consequence of the intervention of the Committee in the other House, it was thought more just that the first arrangement should be made whilst the inquiry was pending.

Vote agreed to—The House resumed.

ECCLESIASTICAL COURTS CONTEMPTS BILL.] On the Motion of the Attorney-General the House resolved itself into a Committee on this Bill.

Mr. *Hume* objected to the clause which enacted that none of the provisions of the Bill shall extend to any order made more than six years.

Mr. *Shaw* was also opposed to that clause, on the ground of its having a retrospective effect.

Dr. *Lushington* said, that the clause had no retrospective effect, its sole purpose being to compel Members of Parliament, after the passing of the Bill, to pay obedience to decrees issued within a specified time.

Mr. *Lefroy* opposed the clause, and moved as an amendment, that none of the provisions of the Bill should extend to any order or decree which should have been made at any time before the passing of the Bill.

The Committee divided on the Amendment: Ayes 12; Noes 34—Majority, 22.

List of the Ayes.

Burge, W.
Dixon, J.
Dudley Stuart, Lord
Forbes, Sir C.
Hume, J.
Inglis, Sir R.
Ingestre, Lord
Jones, Captain
Shaw, F.
Sheil, R.
Tullamore, Lord
Willoughby, Sir H.

Tellers.

Lefroy, T.

The Bill passed through Committee; House resumed.

HOUSE OF LORDS,

Saturday, August 4, 1832.

Minutes.] Bills. Read a second time:—Half Pay; Soldiers' Families; Public Accounts (Ireland).—Read a third time: —Coal Meters (Dublin); Admission of Freemen (Ireland).

Petition presented. By the Duke of Richmond, from Mallow, for a more Extended Boundary Line to that Borough.

HOUSE OF COMMONS,

Saturday, August 4, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Strutt, an Account of the Sums received for Stamps on Marine Insurances in the year 1831, and the same for Ireland.—On the Motion of Mr. Baldwin, a Statement of the Charges made by the Commissioners of Sewers in Westminster, and part of the County of Middlesex, from the year 1822 to 1830, both inclusive.—On the Motion of Mr. Warburton, a Copy of his Majesty's Warrant, dated 31st July, 1832, for distributing the Proceeds of the Deccan Booty.

Bills. Read a second time:—Speaker's Retirement.—Read a third time; Ecclesiastical Courts Contempt.

Petitions presented. By Sir Andrew Agnew, from the Fishmongers and Poulterers of the Metropolis, for the better Observance of the Sabbath Day.—By Mr. Strutt, from Newton and Failsworth, in favour of the Ministerial Plan of Education (Ireland).

Affray at Clitheroe.] Lord *Althorp* said, that a question had been put to him yesterday by an hon. Member respecting the unfortunate affair at Clitheroe, to which he had then given an answer. He had not at that time seen the details which had reached the Home Office, but he had since had an opportunity of examining them, and he was borne out in what he had previously stated, namely, that no lives had been lost. There had been, however, unfortunately, about thirty persons injured. True it was, also, that the Riot Act had been read before the military were called upon to act. Lord Melbourne had written into the country calling upon persons, both civil and military, who had witnessed the proceedings, to give a full account. He therefore hoped that, until that investigation was completed, hon. Members would be good enough to abstain from making any observations relative to the unfortunate transaction. Until the affair was fully investigated, he, for one, should be sorry to lay blame upon any party, as to the origin of the affray.

Library of the House.] Sir *Robert Inglis* moved the Order of the Day for the House resolving into a Committee for the purpose of taking the discussion relative to the improvements proposed to be made in the Library, and he begged to recall the attention of the House to the subject. He should not have felt it necessary to have troubled the House with more than three or four sentences, if he had not been told to expect opposition to the measure which he should propose. The general view taken by the Committee had been to provide increased space for the books, and for Members in respect to the library, and also for the papers of the House. The Committee felt that they were not to look only to the supply of books, and to the individual accommodation of Members in consulting those books; nor to consider solely in what way the papers of the House could best be preserved. They were called upon to take all these three subjects into consideration; and taking the whole of them together, though they were not prepared to say that if one of these singly had been committed to their inquiry, they would have recommended their present plan, they had had no hesitation in submitting that plan to the House. They could at least say thus much, that, after considerable attention to the subject, no other plan had been either submitted, or suggested, which combined so many advantages as the plan recommended in the Report. The House would recollect that space for books, and for Members consulting those books was wanted, and space for both would be attained by incorporating, according to the suggestion made to the Committee of 1830, by the Clerk of this House, with the existing library, the two Committee-rooms, Nos. 18 and 19; but that would destroy other accommodation which the House could not spare. The Committee rooms in actual service amounted to thirteen or fourteen. There were numerically twenty-one, but, from the reasons stated in the Report, not more than thirteen or fourteen were available, the

House then could not afford to absorb two Committee-rooms; and the two in question were perhaps the very best that could be imagined for the purposes to which they were applied. They were just those in which Committees on the most important questions, —such for instance, as that of the renewal of the Bank Charter—could carry on their business without inconvenience; where it was desirable that the members of the Committee should be separated from the great mass of the public. The Committee-rooms for elections were convenient on the side of St. Margaret's-street; but those over the library were suited to secret Committees, and therefore, though giving them up would supply the deficiency of the library, the House could not afford to sacrifice the accommodation. With respect to the supply of books, the library was deficient in many respects, particularly in law books, and in the statistics of this and other countries; but, generally, the selection had been made with judgment. The foundation was admirable, the superstructure was, in several respects, deficient. The proposition which the Committee had instructed him to report to the House was to elongate the library, or rather the building on which it stood, to an extent of more than its length again; thus providing on the same floor a large area for books, and convenient accommodation for Members; and in the floor below, a good depository for the papers of the House. The Clerk of the Journals stated to the Committee that there would not be room, under the roof of the House, for the papers of more than the next two or three years. The only remedy, therefore, was, either to destroy the existing papers, or to build rooms for further accumulation. Now, he would ask any hon. Gentleman whether, looking to the historical value of the records of England, if such an argument had been addressed to the House in the time of Henry the 6th, or Henry the 8th, what should they have thought of a Parliament, which, in that day, had destroyed its records, rather than be at the expense of providing house-room for them? They might, certainly, and with good reason, have affirmed, that such a Parliament was the *Parliamentum indoctum.* If they did not destroy the papers, they must provide space for preserving them. He had thus stated the objects which the Committee had endeavoured to keep in view—to provide space for the books; and for the Members consulting them; and a place to deposit the papers of the House. The last subject to which he had to refer was the price at which the architect estimated these alterations and improvements. They had consulted Sir Robert Smirke, a gentleman whose name was sufficiently high to recommend any plan which he might suggest; and whose sense of honour and conscientious feeling were not surpassed by those of any other architect. The sum he stated was 4,000*l.*; a sum scarcely more than the price for printing one of the Journals of this House; and, therefore, he was not, he thought, asking too much, seeing that the appropriation of this sum to the purposes he had named would be eminently useful to the Members of this House, and necessary to the preservation of the public records. This was not a question upon which any party feeling could exist. Every hon. Gentleman would decide according to what might be his own immediate view of the matter. There was, however, one point to which he must advert. An objection had been made that the Committee was thinly attended. His first answer was, that the House, by fixing a quorum of five, or of three, had assumed that business might be done by five, or by three. If, therefore, no more than five or three attended any Committee, the House could not complain. In the present instance, following the precedent of the last Library Committee of 1830, he proposed that three should be the quorum. He begged to state, however, that the Committee was never, except in one instance, attended by less than four or five, —three being the quorum. He must state, that the Report was first drawn up by himself, assisted by the communications of one or two other members of the Committee, that it was read in manuscript to the Committee, was then printed, and copies sent to members of the Committee, and by them separately examined; and after the alterations suggested by them were made, that corrected Report was finally considered, and adopted by the Committee. He moved that the House should resolve itself into a Committee upon the Report.

Mr. *Warburton* objected to the Motion being brought forward when the benches were nearly empty (there not being more than about twenty Members present), and said, if it were persisted in, he would move that the House be counted.

Motion postponed.

HOUSE OF LORDS,

Monday, August 6, 1832.

Minutes.] Papers ordered. On the Motion of Lord Wynford, an Account of the Suitors' Fund, and of the Interest paid in each year, for the last three years, on the Interest of Money lodged in the Court of Chancery, with the existing Charges on these Funds.—On the Motion of the Duke of Richmond, the Exports from this Country to Hayti, and of the Imports into this Country from Hayti, for five years, up to the latest period to which the Account can be made up; and also, an Account of the price of Sugar for three years before the Revolution in St. Domingo, and for three years subsequent to that event.

Bills. Read a third time:—Labourers Employment.—Read a second time:—Sugar Duties; Exchequer Bills.

Petitions presented. By Lord Auckland, from Athy; by the Marquess of Lansdown, from the Members of the Irish Bar attending the Leinster Circuit; by the Earl of Gosford, from Kildare, Rathangan, and Thornton Rust; and by Lord Holland, from Newtown Limirady, and Cootehill, against the Punishment of Death.—By the Bishop of London, from the Clergy of Huddersfield, for the better Observance of the Sabbath.—By Viscount Melbourne, from the Prisoners confined for Debt in the King's Bench Prison, for a Revision of the Law between Debtor and Creditor.—By the Duke of Leinster, from Tacumshane, for the Abolition of Tithes.—By the Duke of Wellington, from the Minories and from Halifax, in favour of the Factories Regulation Bill;—and from the Provincial Synod of Argyle, against; and by Lord Holland, from three Places in England, in favour of the Ministerial Plan of Education (Ireland).

Amendments in the Criminal Law.] Lord *Wynford*, adverting to the Bill which remained in their Lordships' House for a second reading, the object of which was the Abolition of the Punishment of Death in cases of Forgery, observed, that he did not mean to offer any opposition to the progress of the Bill, being of opinion, that the experiment ought in the present state of public feeling, at least to be tried, to ascertain whether the crime of forgery could be adequately checked by any punishment short of death. The Bill which had lately passed this House for the abolition of capital punishment in the cases of stealing cattle, and substituting that of transportation, was an experiment of the same kind, and he was desirous that the alteration made by the Bill should have a fair trial, as well as that made by this Bill to which he referred. But at the same time he was anxious that the fullest information on the subject should be laid before their Lordships, and with that view he meant to submit a Motion to their Lordships for some Returns which he hoped would be assented to. Their Lordships, would, perhaps, recollect that in 1808, Sir Samuel Romilly introduced a Bill for the abolition of capital punishment in the case of privately stealing in dwelling-houses, and that the Bill received the assent of Parliament. One of his Motions was, that there be laid before this House a Return of the Convictions for the offence mentioned in Sir Samuel Romilly's Bill, for three years before and three years after the passing of the Bill. He believed that it would turn out that after the passing of that Bill, the offence had very considerably increased. It had been said in support of taking away the capital punishment in cases of stealing in a dwelling-house, forgery, stealing cattle, &c., that the Judges themselves had often exclaimed against the cruelty of the sentence. He had good reason to believe that this allegation was not well founded. The Judges had no reason to exclaim against its cruelty, for they always had it in their power to recommend the prisoners to the mercy of the Crown whenever they thought that the Royal mercy was called for; and he wished, therefore, that such statements should be corrected. Even under the Bill lately passed, when a Judge sentenced a criminal to transportation for life, he might recommend to the Secretary of State to mitigate even that sentence in cases where it might appear too severe, and no doubt the Secretary of State would attend to the recommendation. Another Return which he wished to have laid before their Lordships referred to a Bill which had been brought in by Sir Robert Peel, appointing the punishment of transportation for second larcenies. For the same purpose of having the fullest information on their Lordships' Table, he would move for a Return of the number of convictions that had taken place under that Act since it had passed. He moved, therefore, that there be laid on the Table a Return of the convictions for the offence of privately stealing in a dwelling-house in the years 1805, 1806, 1807, and the years 1809, 1810, 1811; also a Return of the number of convictions for second larcenies for which sentence of transportation had been pronounced since the passing of Sir Robert Peel's Act.

Earl *Grey* had no objection to the noble and learned Lord's Motions, but he did not think that the Returns would afford conclusive evidence of the object which the noble and learned Lord had in view. The number of prosecutions and convictions before and after the passing of the Acts to which the noble and learned Lord referred, might depend on circumstances distinct from the passing of the Acts. The papers moved for by the noble and learned Lord, might, however, be useful, as affording matter for future consideration, but would have very little bearing on the subject of this Bill. As to the alterations which had taken place in the Bill lately before this House, in regard to the abolition of capital punishment for stealing cattle, &c., he had concurred in some of those proposed by the noble and learned Lord. But it was a mistake to suppose, that in passing sentence of transportation for life, substituted for the capital punishment, all discretion was taken away from the Judge. The Judge's discretion remained as before, and even that might be mitigated by the mercy of the Crown. If there was any impression to the contrary, he believed it would turn out to be entirely erroneous.

Motions agreed to.

HOUSE OF COMMONS,

Monday, August 6, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, an Account relative to the Duties of the Registry Office in Scotland.—On the Motion of Mr. Alderman WOOD, an Account of the Number of Inhabitants in the Metropolitan Parishes paying Rates and Assessed Taxes.—On the Motion of Mr. CHARLES ROSS, an Account of the Names of all the Speakers of the House of Commons since 1688.

Bill. Read a third time:—Excise Accounts (Scotland).

Petitions presented. By Mr. WARBURTON, from Bridport, against Renewing the East-India Company's Charter.—By Mr. WILKS, from Thames Ditton, and by Lord SANDON, from Liverpool,—for the better Observance of the Sabbath.—By Mr. WILKS, from Dronfield, against the Vagrants' (Scotland and Ireland) Removal Bill.—By Mr. BAILLIE, from Bristol, against the Beer Bill.—By Mr. VERNON SMITH, from Henley and Shelton, in favour of the Ministerial Plan of Education (Ireland).—By Mr. HUME, from Planters of Demerara, Essequibo, and Berbice, against the Provisions of the Measure for giving Relief to those Colonies; from Rochdale, Lancashire; from Wenborough, Yorkshire; and Arklow,—against the Employment of the Military to enforce the Collection of Tithes in Ireland; and from certain Medical Practitioners, against the Exclusive Privileges of the College of Physicians.

JERSEY—CASE OF JOHN CAPE.] Mr. *Hume* would take that opportunity of asking, whether any measure was intended by the Government respecting the detention of Mr. Cape, one of the Overseers of the parish of St. Pancras by the authorities of the island of Jersey?

Mr. *Lamb* said, that the Government could do nothing in the matter, as Mr. Cape was legally detained by the order of a competent tribunal. The only mode by which that order could be rescinded was through an appeal to the Privy Council; and it was understood that if the Overseers of St. Pancras would take upon themselves the hazard of an appeal, so as to bring the question before the Privy Council, the authorities of Jersey would allow the liberation of Mr. Cape. As to the writ of Habeas Corpus being moved for in the Court of King's Bench, that was of no use, for that Act had never been registered in the islands, and it was the general opinion of all lawyers that the English laws, unless specifically applied to these islands, and unless registered so as to conform to the customs of the islands, did not extend to them. It was certainly curious that the authority of such an Act as that of the Habeas Corpus should not have been extended, but so it was, and hard as was Mr. Cape's case, he saw no legal means of affording him relief but the appeal to the Privy Council.

DECCAN PRIZE MONEY.] Mr. *Warburton* said, that in rising to present the petitions of which he had given notice, nothing but the necessity of the case could have induced him to come forward at this late period of the Session, and nothing, also, could induce him to contend with the learned Gentleman he saw opposite, except the application and request of the parties interested. He rose to present two petitions—one from Sir Lionel Smith, late commander of the fourth division of the Deccan army in India, who contended that the booty taken at Poonah ought to go to the actual captors of that town. The other petition was that of Sir Thomas Hislop, the Commander-in-chief of the army of the Deccan, who contended that the scheme of distribution approved of by the trustees of the Deccan booty in 1826 and 1828, was not such as they were warranted in ordering. It was almost needlees to say to the House, that this booty had been taken in the war of 1817, which had been entered upon in order to put down the Pindarrees, and the Mahrattas, who had encouraged them. There were two armies in the field, one commanded by the Marquess of Hastings, called the grand army, and the other the army of the Deccan, commanded by Sir Thomas Hislop. There had been a contention before the Lords of the Treasury upon an appeal from a decision of the Marquess of Hastings, whether there were actually two armies in India; the Marquess of Hastings terming both a combined army, of which he was Commander-in-chief, while Sir Thomas Hislop contended that the army of the Deccan was a separate army, and that he, as Commander-in-chief of that army, was entitled to the full-eighth of the booty captured by it. The Marquess of Hastings had taken the field in the month of September, and his, called the grand army, certainly having achieved great victories, was broken up in the month of February following; while Sir Thomas Hislop took the field in the month of August, a month before the Marquess of Hastings; and having, with the Deccan army, achieved victories still more decisive, remained in the field until the latter end of March, six weeks longer than the Marquess of Hastings. The booty captured was very great. That taken by the Deccan army was very large—according to the Returns about 850,000*l.* or 900,000*l.* At first, the Marquess of Hastings had taken a very liberal view with respect to the Deccan army, and it appeared, both from private correspondence and from his general orders, that he had no intention of contending for any share of the prize money. In his published letter to the Adjutant-general of the Deccan army, written in 1819, he said, that neither he nor the Bengal army had any thing to do with what had been captured by the army under Sir Thomas Hislop, with this exception, that any division of the Bengal army which had actually co-operated with Sir Thomas Hislop should have a share. This liberal decision of the Marquess of Hastings did not, however, last long. The prize money was found to be very large, and as it was discovered to grow larger, the noble Marquess's liberality decreased. In his valedictory address to the army in the month of February, the Marquess first used the term, " combined army," and soon after, in the month of April, he described Sir Thomas Hislop's army as " a corps of the combined army." The effect of this change in the language of the noble Marquess would be, that he would take one-eighth of the booty captured by both the armies, making a difference of 100,000*l.* in his favour. On the 22nd of June he sent a despatch to the East-India Company, desiring them to take the opinion of counsel upon the propriety of his decision; and he afterwards sent a despatch to the same effect to Sir Thomas Hislop, on the ground that all prize taken belonged to the King, and that its division amongst the army was a matter of grace and favour. The details of the whole matter were laid before the Lords of the Treasury in the years 1822 and 1823, five years after the actual capture. A Treasury minute under warrant by the sign manual of the 22nd March, 1823, embodied the principle upon which the distribution was to be made. The principle laid down in the first minute completely established that which Sir Thomas Hislop contended for, as it declared that the forces engaged were not a combined army, but that the grand army in the north, and the army of the Deccan in the south, were to be considered as two independent armies. It also laid down the principle of actual capture, as contrasted with that of constructive capture put forward by the Marquess of Hastings. The Treasury minute was guided in principle by one of the decisions of the learned Judge, Lord Stowell, who laid down the following principles on the law of capture, in a case which came before him:—' The Act of ' Parliament and the Proclamation give ' the benefit of prize to the takers. By ' this term, are not only to be understood ' those who actually took possession, or ' those affording an actual contribution ' of endeavour to that event—either of ' those persons are naturally included ' under the denomination of takers; but ' the courts of law have gone further, and ' have extended the term " takers " to another description of persons—namely, to ' those who not having contributed actual ' service, are still supposed to have rendered a constructive assistance, either by ' conveying encouragement to the captors, ' or intimidation to the enemy. Capture ' has, therefore, been divided into capture ' *de facto*, and capture by construction. ' I need not say that the construction must ' be such as the courts of law have recognized, and not a new and unauthorized ' construction. For, as the word has already travelled a considerable way beyond the meaning of an Act of Parliament, the disposition of the Court will ' lean not to extend it still further, but to ' narrow it, and to bring it nearer to the ' terms of the Act than has been done in ' some former cases.' The Treasury minute and the warrant, adhering to Sir

William Scott's opinion, gave a practical enforcement of those principles. The warrant proceeded to state—'That their 'Lordships are of opinion that the most 'just and equitable principles of distri- 'bution will be to adhere, as nearly as the 'circumstances of the case will admit, to 'that of actual capture; and although 'they are aware that the principle of con- 'structive capture must, under certain 'circumstances, in a degree be admitted, 'the disposition should be to limit, rather 'than to extend that principle. The re- 'sult of the battle of Mahidpore, and the 'occupation of Poonah and Nagpore, 'should belong to the divisions of the 'Deccan army engaged in the respective 'operation in which the same was cap- 'tured; but that, as the division of the 'Bengal army under General Hardiman 'appeared to be put in motion for the 'purpose of co-operating directly in the 'reduction of Nagpore, and to be actually 'engaged with a corps of the enemy ante- 'cedent to the surrender of that place, 'this division appears to my Lords to be 'justly entitled to share in the booty cap- 'tured at Nagpore. All other booty aris- 'ing from the operation against the Mah- 'rattas in the years 1817 and 1818, as 'may now be subject to his Majesty's royal 'disposition, should be granted to such 'divisions of the grand army under the 'command of the Marquess of Hastings 'and of the Deccan army under the com- 'mand of Sir Thomas Hislop, as may 'respectively have captured the same.' It therefore appeared, with regard to the contention between the Marquess of Hastings and Sir Thomas Hislop, that the Treasury minute stated, that Sir Thomas Hislop was commander of a separate army, called the Deccan army. It then proceeded:—'As the Commander-in-chief 'and general staff belong to each division, 'they are entitled to participate in the 'booty which may arise from any capture 'by any division of the army of the Dec- 'can, until the said army was broken up 'on the 31st March, 1818.' Thus it further appeared, that all booty taken before that time was to be given to the army of Sir Thomas Hislop; thus so far making out almost every point that that officer urged. The warrant further went on to say,—'The bounty taken by Deccan 'divisions is not to be shared as common 'fund among the whole Deccan army, on 'account of co-operation; and they can- 'not sanction an agreement founded on 'such a view, because co-operation, in- 'stead of actual capture, has been assumed 'as a principle. Then the forces of all 'the presidencies engaged in the combined 'operations of the campaign must have 'been included.' The Treasury decided then, according to the Marquess of Hastings's original decision—'that Sir Thomas Hislop and his staff were entitled to one-eighth of all booty taken previously to the 31st March, 1818, when the army broke up.' So far as this went, it was consistent with justice; but there was still a *casus omissus*, for a large part of the booty at Poonah was not obtained until both armies had quitted the field. There was a large amount of booty, consisting of tribute, and rents, and deposits of treasure, which was not obtained until the July following, when both the armies had been dissolved. Thus there remained a large proportion not disposed of under the principle laid down. When the trustees saw this, they reported the facts to the Treasury. In 1826 they stated, that the whole proceeds had been converted into money; but adverting to the fact of this *casus omissus*, applied for instructions to the Treasury. The Lords of the Treasury, after hearing counsel on both sides, gave, in 1826, fresh directions, which were, "that the booty taken in the daily operation of the troops should be distributed according to the doctrine of actual capture," and then went on to say:—'With 'respect to those parts of the above pro- 'perty, as to which proof cannot be estab- 'lished that it was actually in Poonah 'when that place was captured, such 'monies and effects must be considered as 'having been acquired by the general 'results of the war, and as such ought to 'be distributed among the forces of 'all the presidencies engaged in the 'combined operation of the campaign.' This was perfectly just, as it would be difficult to say which of the armies had contributed most to this object. There was, however, amongst these monies, a large amount of treasure belonging to the Peishwah, which, upon leaving Poonah, he was obliged to deposit with certain bankers in that town. It was not until the July of that year that Captain Robertson, who was appointed Commissioner for the affairs of the Peishwah, discovered the existence of these sums in the hands of these bankers. The minute of 1826 directed, 'That any part of this property which 'can be proved to have been in Poonah 'at the time when the place was captured '—namely, on the 17th November, 1817, 'ought to be distributed to the captors of 'Poonah, according to the terms of the 'minute of the 5th February, 1823, 'upon the principle of actual capture; 'but that in all cases in which such proof 'cannot be established, the monies or 'effects must be considered as having 'been acquired by the general result of 'the war, and as such, ought to be distributed amongst the forces of all the 'presidencies engaged in the combined 'operations of the campaign.' This admitted, that if any sums were in Poonah at the time of the capture, it belonged to the captors. Sir Lionel Smith was the commander of the fourth division of the Deccan army, which took Poonah. Sir Thomas Hislop was the Commander-in-chief, and if it were proved that the treasure was in Poonah, then the distribution ought to be amongst the fourth division, giving one-eighth to Sir Thomas Hislop. As soon as this determination was made known to Sir Lionel Smith, who was then in India, he took measures to obtain evidence to ascertain whether or not the treasure had been actually in Poonah at the time of the capture. But if the House considered the time between the year 1818, and this minute of the Treasury in 1826, he thought that the greatest possible latitude ought to be allowed to Sir Lionel Smith, and that the evidence he was enabled to obtain after the lapse of a period of eight years, ought not to be examined with too great strictness, and, indeed, the greatest indulgence was, he thought, due to Sir Lionel Smith, if there should be any defect found in his evidence. Captain Robertson, who discovered the treasure, was agent for the East-India Company, who claimed it for themselves: so that it was not the interest of Captain Robertson to collect any evidence for the captors, as he (Captain Robertson) was to receive five per cent for himself on all that he collected for the Company. This was another of the many difficulties with which the captors had to encounter in getting evidence of their claim. Difficult as this was, however, Sir Lionel Smith, in 1828, sent home evidence on oath from five native bankers, which showed that 8 lacs and 72,000 rupees were in their hands, as the property of the Peishwah at the time of the capture of Poonah. In 1830, he transmitted other evidence, not on oath—a part of this being that of the secretary of the Peishwah himself, in which it was stated that 500,000 rupees more of his treasure were in the hands of native bankers at Poonah, at the time of its actual capture. So that there were 1,300,000 rupees in all, which the captors claimed, as being in Poonah at the time of the capture. The kind of evidence on which this latter part of the case rested, was not such as was desirable, if better could be obtained; but it should be recollected, that it was such as would be received in any of the courts in India, and that great allowance should be made for the circumstances under which the claimants were placed. If, therefore, objections were made, as they had been, to such evidence being received here, time should be allowed to those who tendered it, the more particularly, as three years were allowed to elapse, from the time of its being sent in 1828, to the arrival of Sir Lionel Smith, in May, 1831, before the objection was made. On the arrival of Sir Lionel Smith, he applied to the trustees, and they referred him to the Treasury, by which he was referred to the law officers of the Crown. The petitioners complained, that when the evidence was sent to the law officers, it was accompanied with comments as to some parts made by the Solicitor to the Treasury. Now, if the evidence were referred to the law officers of the Crown as counsel, an opportunity should have been given for employing counsel on the other side. But if the evidence and comments were sent to them as a jury to decide, still the parties interested ought to have been allowed counsel to rebut the comments so made; but whether the evidence were sent as to counsel or jury, such comments were, he contended, unfair, unless the petitioners had an opportunity of answering them. He now came to the comments themselves. One of the objections made in them was, that declarations were not made by the native bankers themselves, but by their chief clerks or agents. He apprehended, however, that the objection could not be maintained. Would such an objection be for a moment relied upon, against evidence tendered of the transactions of a banker in London on the testimony of one of his chief clerks or agents? It was next objected that Captain Robertson ought not to have been the party before whom these declarations should have been sworn. This objection he also contended was not a fair one. It appeared that when Captain Robertson found that the money did not belong to the Company, he exerted himself to procure evidence in support of the claim of Sir Lionel Smith; but surely that did not disqualify him from receiving the depositions, for he was a party perfectly disinterested. The next objection was, that the evidence was not sufficiently particular as to the time of the money being left with the native bankers, and the date of its discovery; but this he contended ought to have been received with great allowance in favour of the claimants—first, because it could not be a matter of surprise that the native bankers should be very unwilling to discover where the treasure was; and next, there were good reasons why the fullest particulars should not have been obtained as to the time of placing the money in the bankers' hands. But, in both cases, the claimants were entitled to the greatest indulgence in this respect, as they had not had any notice that better evidence was wanted for nearly eleven years. The last objection was curious in itself. It was, that the principal parts of the evidence relied upon was Indian evidence. Why, from the nature of the transaction, it could rest on no other for the most part. If this were made a ground of objection, it might as well be said at once, that all evidence should be rejected, and that the money should be divided amongst the whole Indian army. Under all these difficulties what did Sir Lionel Smith do? The Treasury had decided that the treasure found at Poonah should be divided amongst the Indian army engaged in the campaign of 1817, unless it could be shown that the treasure was in Poonah at the time of the actual capture, of which proof was to be adduced by the parties claiming. On the 10th November, 1831, Sir Lionel Smith received a note from the Treasury, written by their Lordships' command, stating that the evidence transmitted by him had been laid before the law officers of the Crown, who had advised that they had considered the evidence as to the booty being "in Poonah at the time of the surrender; and that although the evidence raised strong doubts whether such might not have been the fact, yet they were of opinion it was not so made out as to authorize the distribution to the Deccan army on the ground of actual capture." Their Lordships, at the same time, intimated that they concurred in this opinion. In the same month Sir Lionel Smith presented a memorial to the Treasury, praying to have a revision of this decision, and to be heard by counsel, or to have time to adduce further evidence. This and a subsequent memorial were without any other effect, save that an intimation, that if Sir Lionel Smith could produce any fresh evidence before the time of distribution, it would be received. It was unnecessary for him (Mr. Warburton) to point out the difficulty of obtaining any additional evidence in so short a time. The petitioners then sent a memorial, praying to be heard by the King in Council; but this memorial was not heard, on the ground, as the petitioners were given to understand, that the Privy Council had no jurisdiction in the case. On the 23rd June last, Sir Lionel Smith received a letter from the Treasury, stating that a distribution was about to be made. He soon after sent a memorial, praying to be heard as to the question of the jurisdiction of the Privy Council in his case. Even this was refused; and then came the conclusion of the drama, which was, that an order, under the sign manual, was issued on the 31st July, directing the distribution of the money; and by an order in the Gazette on the 3rd instant, it was intimated that the distribution would begin on the 7th instant. Now he must contend that this was not fair dealing to the parties whose petitions he was about to present. He thought all the probabilities and presumption were in favour of the petitioners. If the treasure in dispute was not at Poonah at the time of the capture, where was it? There was no evidence to show that it was not, and certainly it was most improbable to suppose, that if it was not there at the time, the Peishwah would send it there after the capture of the town by our troops. The presumption, in addition to the direct evidence given by the petitioners, from the agents of the bankers themselves with whom the treasure had been deposited, was, he thought, conclusive that the money was in Poonah at the time of the capture. The first ground of complaint was, that the petitioners were not allowed to argue their case fully before a decision was given; and next, they complained of the warrant, which in this case prevented their appeal to the Privy Council. He knew it was said, that the Privy Council in this case had no jurisdiction, but this, he maintained, should have been allowed as a matter of argument, either before the law officers of the Crown, or before the Privy Council itself. The ground on which the want of jurisdiction of the Privy Council was maintained, was the warrant in 1823, which said, that if any dispute should thereafter arise as to the distribution of the money, it should be referred for decision to the Lords Commissioners of the Treasury. He did not dispute the fact of the existence of this warrant, but he did dispute that it could take away the right of an individual to appeal to the King in Council, in a case which came generally within its cognizance. He would maintain that the Privy Council ought to have jurisdiction in this case, on the same ground as appeals were made in claims of prize-money, from the decisions of the Admiralty courts. But he would further contend, that if the warrant of 1823 could not be acted upon without manifest injustice to individuals, as in this case he maintained it could not, it ought to be revoked. The hon. Member cited a case connected with this very transaction, in which the present Lord Chancellor held, that if the effect of the warrant of 1823 were such as he (Mr. Warburton) had described it, it was in the power of the Crown to revoke it, up to the very last moment before the distribution; and considering all the circumstances of the case, he (Mr. Warburton) did hope that Government would see the necessity of adopting this course. He thought that much was due to the merits of Sir Lionel Smith. Independently of the great skill and bravery which he displayed throughout the whole of that campaign, great credit was due to him for the address which he showed in preventing the soldiers from plundering when they took Poonah. One of the great arguments addressed to the troops on that occasion was, that their claims would be amply considered when the distribution of the prize-money took place. If, after this, it were now to go forth to the world that the claims of officers who had so exerted themselves should be neglected, it might happen that on future occasions they might not be so well disposed to undertake the arduous task of restraining their soldiers in moments of victory. Having stated the case of Sir Lionel Smith, he would now call the attention of the House to that of Sir Thomas Hislop. That gallant officer complained that great injustice was done to him in the proposed plan for the distribution of the prize money. It was well known that the war, in the course of which Poonah was captured, was conducted by two separate armies—the grand army, as it was called, under the command of the Marquess of Hastings, and the other, called the army of the Deccan. These were two distinct and separate armies under their respective Commanders-in-chief. Now the capture of Poonah was effected by the fourth division of the army of the Deccan alone, but, upon the principle of constructive capture which had been adopted by the Lords of the Treasury, the whole of the grand army was to be admitted to a participation of the booty found in that place; and, in this decision, the Marquess of Hastings was admitted to be entitled to one-eighth of the whole sum as Commander-in-chief of the Bengal army. Now this, he contended, was unjust to the Commander-in-chief of the Deccan army, for even admitting the principle of constructive capture, still it should be asked who were the commanders of the Bengal and Deccan armies? The Marquess of Hastings, who at the nearest point had never been within 300 miles of the operations of the Deccan army, had left the field altogether long before Sir Thomas Hislop, and yet his executors were allowed about 77,000*l.* out of the whole produce of the booty. Surely, if the doctrine of constructive capture were admitted, Sir Thomas Hislop, as the Commander-in-chief of that army, the fourth division of which had captured Poonah, was entitled to the benefit of it, and that principle was admitted in his case, as far as his being allowed his share, as Commander-in-chief, of the booty taken in the daily operation of the Deccan army. Not only was this proceeding prejudicial to Sir Thomas Hislop in a pecuniary point of view, but it was an act of injustice and unfairness towards him. Sir Thomas Hislop showed that there was no combined army; that the statement on that point was a mere fiction, and he proved that there were two distinct armies, of one of which he was the commander. The Gazette also affirmed that which the Lords of the Privy Council, by their acts, denied. He had now finished his case, and he regretted greatly that it had not fallen into the hands of some gentleman better able to do it justice than he was. There were two appeals before the Privy Council, the object of which was to stay proceedings under the warrant of distribution. Sir Lionel Smith demanded a substantive share of the prize-money captured at Poonah, and Sir Thomas Hislop asserted his right to receive the one-eighth of the prize-money captured by the force which he commanded. In his (Mr. Warburton's) opinion, no distribution ought to be made, until those gallant officers were heard before that high court of appeal to which their petitions were addressed. He should, in the first instance, merely move that the petition be laid upon the Table, but he should afterwards move an humble Address to his Majesty, praying him to suspend the execution of his Royal warrant of July 31st, 1832, relating to the Distribution of the Deccan Booty, so far as relates to Sir Lionel Smith and Sir Thomas Hislop.

Petition brought up.

The *Solicitor General* could assure the hon. member for Bridport that he did not mean to enter into a legal discussion with reference to this question. Whatever obscurity some parts of the subject might be involved in, there was one point upon which, he believed, no difference of opinion could exist, namely, the anxiety of the Crown to do every thing that could be done to insure the proper distribution of this prize-money amongst the gallant claimants. There were, in this case, two petitions. The one, that of Sir Lionel Smith, who claimed a considerable portion of the booty captured in Poonah by the army under his command in 1817; the other, that of Sir Thomas Hislop, who complained that injustice had been done to him by the Treasury warrant, which gave to the late Marquess of Hastings, as Commander-in-chief in India, a very large share of that booty, although the noble Lord and his army were far removed from the scene of action. The delay in settling this question of prize-money had been much censured, but there were circumstances connected with it which rendered delay unavoidable. Antecedently to any warrant for the distribution of the prize-money being promulgated, a most important question was to be decided—which question, it must be observed, was not, and could not, be decided until last year. The assignees of Narroba, who had been the minister of the Peishwah of Poonah, claimed the property. They declared that it ought not to be seized by the army, because it was the private property of Narroba, to which his representatives were fairly entitled, under the article of capitulation agreed to at the time of the capture of Poonah, those articles specifying that private property should be respected. It appeared that, on the 16th November, 1817, Narroba left Poonah, and took the command of the fort of Reighur, which he held until the month of May or June following. After the capture of that fort by Colonel Protheroe, Narroba returned to Poonah; and it was asserted that the treasure which had been discovered at Poonah, after his return, had in fact, been surreptitiously conveyed away from the fort of Reighur, by Narroba's attendants, and was not in Poonah at the time of its capture. The treasure was found by an officer of the name of Robertson; who was, he believed, the political agent of the company at Poonah. That officer had, it appeared, considered the various circumstances connected with the ownership of this treasure; but he would say that nothing appeared to him more unsatisfactory than this part of the case. Captain Robertson procured a knowledge, and got possession of a very large treasure. As the means used to procure that knowledge were not under the consideration of the House, he should allude to that point no further. Captain Robertson expressed his opinion that the treasure was not in Poonah at the time of its capture. Now he would not say whether that opinion was correct or not; or whether Captain Robertson's judgment was right or wrong; but it was very evident that this circumstance heightened the difficulty of the case. In consequence of this statement, the East-India Company interposed, and relying on the opinion of their own agent, they claimed the treasure as an arrear of tribute. This threw another difficulty in the way of decisions. At length, on the 1st of March, 1823, a minute of Treasury was promulgated, which laid down this principle—that, with reference to the money discovered at Poonah, it could only be claimed by Sir Lionel Smith, if it were in Poonah at the time that place was captured; and, in January, 1826, another minute was agreed to, which recognized the principle contained in the former. No doubt, therefore, could exist, as to the principle on which the case was to be decided; and it was incumbent on Sir Lionel Smith to make out the affirmative proposition, namely, that the treasure was in Poonah at the time of its capture. This was a difficulty which opposed itself, not only to Sir Lionel Smith, but to every claimant in this case. The principle laid down in 1823, and recognized in 1826, remained unaltered; and although he felt the difficulties which this gallant officer had to encounter in making out an affirmative case, still it was imperative on him to do so. The gallant officer had had recourse to the evidence procured subsequently by Captain Robertson to substantiate his claim. He was sorry that the gallant officer had adopted such evidence. If it were English evidence, he could not but view it with doubt and suspicion, and he felt still more doubt and suspicion when he considered that it was Indian. The *vivâ voce* evidence was supported by what was called documentary evidence; though it was not what, in this country, would be called documentary evidence. Then, he would ask, if Sir Lionel Smith had not made out his claim, and it rested with him to prove the affirmative, was this money never to be divided? If they argued that there was a probable case for Sir Lionel Smith, that there was a probability that the treasure was in Poonah when that place was taken, might it not also be argued, as was asserted by Colonel Protheroe, that it was removed from the fort of Reighur when that post was surrendered? Was it not probable that Narroba, when he proceeded to Poonah, thought that, in thus placing himself in the lion's jaws, he should remove all suspicion as to his wealth? Having taken such a step, was it not likely that he would remove his treasures with him? But whilst he lamented the difficulties with which the case was surrounded, he would ask, must not those difficulties be removed? And if so, by whom were they to be removed? Certainly, by Sir Lionel Smith. The place was captured on the 17th November, 1817, and it rested with the claimant to make out his exclusive claim to this treasure, by showing that it was in Poonah when the garrison surrendered. Where, he would ask, were these inquiries, which had lasted so many years, to end? He would not object to further inquiry, if he could at all see his way out of it, if those who demanded it would declare what parties were hereafter to be examined, and would give them an idea as to the credibility which might be attached to their evidence. What testimony were they likely to procure at Poonah in 1833 or 1834, that was likely to outweigh what was given at the time, and when the British power was paramount there?

Sir *John Malcolm* said, the peculiar situation in which he was placed, in consequence of the petitions then before the House, would, he hoped, excuse him for making a few observations on this subject. Independent of the command which he himself had held under Sir Thomas Hislop, in the Deccan army, he also held a situation at the head-quarters, which entitled him to a share in the prize-money, as well as the petitioners. But, as it was a mere personal claim, he had not pressed it; and the more especially, as he had been made Governor of Bombay. He had resided for a considerable time at Poonah, and was conversant with the evidence which had been there given upon this subject. The hon. member for Bridport had said, that Captain Robertson had a direct interest in procuring this money, because he would receive five per cent for all that he succeeded in recovering. That, however, was not possible, because, as a public officer, he was bound to adopt every means to recover the money, which appeared to belong to the Government for which he acted, uninfluenced by any reward or motive beyond the actual pay which he received. Captain Robertson was a man of too much honour and integrity to do any thing which could be fairly censured. With respect to Sir Lionel Smith, he got together the best evidence that could be collected at the time. The Solicitor General said, that Sir Lionel Smith should prove the affirmative. Now he (Sir J. Malcolm) conceived, that Sir Lionel Smith had, so far as it was possible, proved the affirmative. The Solicitor General had also observed, that he felt strong doubts as to whether the treasure was or was not in Poonah at the time that place was taken. Now, he looked upon the existence of these doubts as the strongest part of Sir Lionel Smith's case; because, where these doubts existed, they might be very fairly supposed to excite doubts in the minds of others as to whether the Government was about to make a just decision or not. Looking to the evidence, the impression on his mind certainly was, that the treasure was in Poonah at the time the place was captured. When doubts existed, the safest way was to take time, and to endeavour, by further inquiry, to remove those doubts.

Lord *Althorp* said, that in this case a solemn appeal had been lodged before the Privy Council; and the question for the Government was, whether this appeal having been lodged, it was proper to proceed with the distribution of the prize-money? Under the peculiar circumstances, it appeared to him, that it would be wrong to go on with the distribution; and therefore he would not resist the hon. Member's proposed Motion for an address to the Crown. He thought it only consistent with justice, that the appeal should be decided before the distribution took place. He could not, however, agree that the parties in this case had been harshly treated. A great deal of time had been given to them, and every facility had been afforded, to enable them to substantiate their claims. He did not see that there was any necessity to send out to India for further evidence, in illustration of this case. If such evidence even could be got there—and that was more than doubtful—a long period must elapse before it could be procured; and, as far as he had considered the case, it did not appear to him that it would be any way useful towards promoting the ends of justice, to send out again to India to procure evidence with regard to it. The case would be again brought before the Privy Council by a solemn appeal, and a decision would be made upon it there, which, in his opinion, ought to be a final one.

Mr. *Hume* said, that he was anxious to call the attention of the House to the case of the unfortunate Narroba, the private treasurer of the Peishwah at Poonah, from whom the sum now claimed as prize-money had been principally taken. Poonah surrendered in November, 1817; the money was not seized till 1818 by Mr. Robertson, who was appointed political agent at Poonah, with instructions from Mr. Elphinston, giving him the power of an absolute monarch. According to these instructions, he was to punish resistance to his authority, by martial law, as acts of rebellion. He might, in truth, put to death as many individuals as he pleased. Some time after his arrival, he was informed that Narroba, who had been the banker and private treasurer of the Peishwah, had certain money in his possession. On this he sent for Narroba, long after all hostilities had ceased, and questioned him about the circumstance, on which Narroba admitted that he had money, but stated it to be his own, to the possession of which he was entitled under the proclamation of Mr. Elphinston. Captain Robertson, however, sent him to prison, seized all his treasure, books, and papers, and put his head clerk in irons. A more iniquitous proceeding than this never took place. Narroba's wife was under the necessity of borrowing a sum of twenty rupees, although he was himself worth nearly half a million of money, and, at length, in order to regain his liberty, he was compelled to sign a document, authorising Captain Robertson to do what he pleased with the money that had been seized, which amounted to about 370,000*l*. Thus this unfortunate man was deprived of the whole of his property; and, therefore, it was most important, if there was to be another investigation of the case, to reconsider whether justice did not demand that this money should be restored to the heirs of Narroba. Not expecting that this part of the case would be entered into, he had not brought down to the House his copy of the papers, he could not enter minutely into the question, but he must ask, when was the inquiry to end? What new parties were to be examined? To whom was this money to be given? They ought not to put an end to this transaction, and make a final division of the money, until they were satisfied that the money ought to be divided. It appeared to him (Mr. Hume), that there ought to be a revision, and a re-consideration of this case, in order to determine, not whether this or that party was entitled to the division of this money, but whether, in justice and in honesty, it should not revert to the party from whom it had been originally taken. The Solicitor-General had said, that the question, was whether one or both of the armies was to have this sum divided amongst them, but he (Mr. Hume) would say, that neither of them should have it if they were not entitled to it. It was only necessary to refer to the language employed by Sir Edward West, in pronouncing the judgment of the Supreme Court of Bombay upon this case, to see the manner, the illegal and tyrannical manner, in which this property had been obtained from the unfortunate Narroba. Sir Edward West, in pronouncing the judgment of the Court on that occasion, said, 'The only 'circumstance from which the defendants 'could presume it was the Peishwah's 'money was, that Narroba had been, 'nearly up to the breaking out of the war, 'the Kasgeet, or private treasurer to the 'Peishwah. From this circumstance alone, 'a vague suspicion that Narroba had 'some of the Peishwah's money seems to 'have suggested itself to Lieutenant Robertson, and to have led him to all these 'extraordinary proceedings. Even at this 'day the defendants have not been able 'to adduce any evidence that the money 'seized was the Peishwah's, except the supposed admissions or confessions of Narroba, obtained from him after the seizure, 'by means the most illegal and oppressive. 'Many months after Poonah had been in 'our undisturbed and peaceable possession, many months after Mr. Elphinston's proclamation, in which he promises that all property, real and personal, shall be protected, and that courts 'of justice shall be immediately established, and many months after their actual 'establishment in Poonah, and the adjacent country, (when the inhabitants had 'as much right to the protection of the 'Courts of Justice as the inhabitants of 'Bombay,—Narroba, a person of high 'rank in the former empire, without even 'the imputation of any offence, and without the form or pretence of any legal 'proceeding, is taken from his house and 'wife and family, and thrown into the 'common gaol; his gomasta shares the 'same fate, with the additional severity of 'being kept in irons): Narroba's house is 'entered by a military force, his treasure 'is taken, without a shadow of evidence 'that it was not his own, and his family 'reduced to a state of destitution so complete, that his wife is under the necessity 'of borrowing twenty rupees. They are 'kept in prison many months, during 'which Captain Robertson endeavours 'to obtain admissions from them to justify these acts; and in this Court, the 'defendants offer in evidence, a paper 'signed by Narroba's gomasta in gaol, 'dictated to him, in the presence of Captain Robertson, admission obtained from 'Narroba in gaol, and the bond by which 'Narroba submits himself to whatever 'their honours might please to order to 'be done to him. Even after his release, 'the proceedings are equally extraordinary. His papers having been seized by 'Captain Robertson, he is interrogated 'as to the most intricate accounts of immense sums, and of many years; and 'thus, by an inversion of the most obvious rules of justice, his property is 'first seized and detained, without even a 'pretence of any right, and then he is 'required to show his own title to it, and 'that after he is deprived of the means of 'so doing by the seizure of his papers and 'accounts.' Upon the occasion when Sir Edward West made these remarks, the King's Court of Bombay, after hearing all the evidence, solemnly decided against the claims of the hon. Stuart Elphinston, and Captain Dundas Robertson. An appeal from that judgment was transmitted to the Privy Council, and Lord Tenterden, in pronouncing the decision of the Privy Council with regard to it, recommending the Crown to reverse that judgment, grounded that decision alone, upon the incompetency of the Court of Bombay to entertain the case, and upon the fact, "that this booty had been captured in a perfectly hostile manner, *non flagranti sed nondum cessanto bello*," though seven or eight months had elapsed from the capture of Poonah, up to the time when this treasure was seized. He hoped, therefore, that it was not too late to give a hearing to the case of the unfortunate Narroba before the Privy Council, that its merits would be fully investigated, and that justice would at length be done in a case of such injustice and oppression.

Colonel *Sibthorp* said, that it would be extremely hard upon the claimants for this booty, if the distribution of it were to be again deferred until an indefinite period, in order that there should be another hearing before the Privy Council, and he therefore thought the noble Lord should state, when this point would be decided, and when there would be a prospect of the payment of the money to the claimants. He did not object to the Motion of the hon. member for Bridport, but he really was of opinion, that the noble Lord opposite should now fix a time, beyond which the claimants should no longer be kept out of their money.

Colonel *Evans* maintained, that the Marquess of Hastings had not the slightest claim to any portion of this booty as Commander-in-chief. The Commander-in-chief of the army of the Deccan, by a division of which the capture of Poonah was effected, was Sir Thomas Hislop; and the Marquess of Hastings, though Commander-in-chief of the King's troops in India, and Commander-in-chief of one of the two armies employed in this war, the grand army, was no more Commander-in-chief of that portion of the Company's forces called the Deccan army, than Sir Thomas Hislop was Commander-in-chief of the grand army. The hon. Member referred to different Orders of the Day, issued in the course of this war, in proof of his statement, and concluded, by asserting, that according to all the evidence, Sir Thomas Hislop had as good a right to be considered the constructive captor, as Sir Lionel Smith was acknowledged to be the actual captor of the booty in question.

Lord *Althorp* apprehended, that there could be no doubt whatever that the Marquess of Hastings was the Commander-in-chief of the whole army on this occasion. The noble Lord also referred to general orders of the day, then issued by the Marquess of Hastings in proof of that fact. His hon. friend, the member for Middlesex, was very desirous that the Privy Council should take into its consideration the claims of the representatives of the banker Narroba, but those claims had been already decided upon. The decision of the Court of Bombay had been reversed by the Privy Council, on the ground of the incompetency of that Court to entertain the question. The proceedings of that Court were accordingly quashed, and the only question that now remained for revision related to the manner in which the money was to be divided. When that point should be again brought before the Privy Council, it would pronounce definitively upon it, and in a manner, he was sure, that would meet the justice and merits of the case.

Sir *Charles Forbes* said, that he agreed in every word that had fallen from the hon. member for Middlesex, with regard to the case of the unfortunate Narroba, and the atrocious and abominable tyranny that had been practised in that instance, and he had only to regret, that he feared the door was now closed against any inquiry on behalf of the representatives of that ill-used and most tyrannically treated individual. It was a disgrace to the British name and character, that such enormities should have been practised; and it was still more disgraceful that the Privy Council should have indirectly lent its sanction to the enormity of such proceedings. He understood, that when this case was in discussion before the Privy Council, the enormities disclosed in the course of it, as practised towards this unfortunate man, excited no observations or animadversions whatever. There never, in truth, was a greater anomaly, than such a Court as the Privy Council deciding in cases like this, and he thanked his God that he was not a member of it. The decision of the Privy Council in this case would open the eyes of the people in India, and would prevent many similar appeals being made from that quarter to the King in Council. He repeated, that he feared the door of inquiry was closed against the Representatives of the unfortunate Narroba; but, at all events, he did hope that the legal expenses to which his Representatives had been put, in prosecuting his claims, would, like those of the other parties, be defrayed out of the funds which had been taken from this unfortunate man. He was glad that the enormities practised in that case, and the conduct of Captain Robertson, had been at length brought before Parliament. The people of India would be rejoiced to find that such things were not suffered to pass without animadversion in a British House of Commons.

Mr. *Warburton* did not feel it necessary to make any reply, after what had fallen from the noble Lord opposite (Lord Althorp).

Petition to be printed.

Mr. Warburton then moved, that an humble Address should be presented to his Majesty, praying his Majesty to suspend the execution of his royal warrant of the 31st July, 1832, directing the distribution of the Deccan booty, until one or both of the petitions, addressed by Sir Lionel Smith and Sir Thomas Hislop to the King in Council, shall have been heard and disposed of.

Motion agreed to.

TITHES COMPOSITION (IRELAND).] Mr. Stanley moved the Third Reading of the Tithes Composition (Ireland) Bill.

Mr. *Ruthven* took that last opportunity again to enter his protest against a measure fraught, in his opinion, with so much calamity to Ireland.

Bill read a third time.

Mr. Stanley moved a Clause, by way of rider to the Bill, to the effect that the average of the last three years should be taken as the basis on which to fix the composition.

The Clause was agreed to, as was also a Clause moved by Lord John Russell, that the Bill might be altered or amended during the present Session.

Bill passed.

BRIBERY AT ELECTIONS.] On the Motion of Lord John Russell, the House resolved itself into a Committee on the Bribery at Elections Bill.

The several Clauses, 1 to 11 inclusive, having been agreed to, Clause 12 was put to stand part of the Bill, when

Mr. *Hume* suggested an addition, to the effect, that in all boroughs, towns, or cities, where bribery was proved against certain individuals, they should be suspended from the exercise of the elective franchise, without affecting the rights of other electors.

Lord *John Russell* said, that there was a clause in the Bill, providing that the Committee to whom any petition complaining of an undue return might be referred, should report the names of the persons guilty of bribery, and he had no objection to the suggestion of the hon. member for Middlesex.

An *Hon. Member* said, that such a remedy would require a new Bill.

Colonel *Sibthorp* observed, that when he had asked the noble Lord at what time he intended to bring on this Bill, he had received only a vague sort of answer, and then, having been absent from the House but three minutes, he had, on his return, found the Bill in the Committee. The noble Lord was persevering in his efforts, not by reason, but by numbers, to cut down the Constitution. He and the rest of his Majesty's Ministers were placing restrictions on some of the commonest acts of life. He had lately been canvassing for the city which he had the honour to represent, and which he hoped again to represent; and a most successful canvass it had proved: but it grieved him when, in the course of that canvass, he saw the wife or child of one of his own constituents lying on a sick bed, that he was prevented by the law from offering any assistance. Hon. Members might laugh; but it appeared to him to be a great grievance. How did the noble Lord define hospitality, and how did he define bribery? For his (Colonel Sibthorp's) part, he thought the dinners given to Ministerial Members in Downing-street, and the feeding and fattening of them by his Majesty's Government, that they might have their votes, were indisputable specimens of corruption. Should the noble Lord persevere in endeavouring to carry his Bill through that night, by numbers, not by reason, if he (Colonel Sibthorp) sat there until the separation of the House, he would take every opportunity of flooring him. The hon. and gallant Member repeated his complaint, that he had been left in the dark by the noble Lord as to the period at which the Bill would be brought on, and that it had been brought on suddenly and unexpectedly.

Lord *John Russell* was understood to say, that the occasion to which the hon. and gallant Gentleman had referred was on the evening of Friday last, when the Bill had been committed *pro formâ*, when, at twelve or one o'clock in the morning, in answer to the inquiry of the gallant Member, he had replied, that he should bring forward the measure on this evening, and as early as circumstances would admit. Having said so much, it did not appear to him that the hon. and gallant Gentleman had brought forward any argument against the Bill now before the House. With respect to the Bill, he must say, that the whole of the legislative enactments with reference to bribery ought necessarily to be consolidated, but the present period of the Session was too late to accomplish such an object. The present Bill was directed exclusively to prevent bribery in corrupt places returning Members to serve in Parliament.

The Clauses up to 19 inclusive agreed to.

On the Question being put, that Clause 20 stand part of the Bill,

Mr. *Fane* was opposed to this clause, which involved a great constitutional question; for it seemed by it, that if the two Houses agreed on the question, any borough might, by an address to the Crown, be forthwith disfranchised.

Lord *John Russell* said, he admitted this Bill to be a great constitutional question; at the same time he thought that where the majority of a place entitled to Representatives were proved to be corrupt, the minority of the electors of that place must suffer in the disfranchisement.

Mr. *Dixon* begged to put a case—for instance, the city of Glasgow—where a certain party, say 7,000 out of 10,000, might be corrupt, would that be a ground for disfranchising the whole?

Lord *John Russell* replied, that such had not been the case hitherto. The case of Liverpool was one in point; and in that case, though bribery had been clearly proved to exist, yet nobody had ever thought of proposing that the town of Liverpool should for ever be deprived of sending Representatives to Parliament.

The remaining Clauses agreed to.

Mr. *Duncombe* said, he had risen to propose to the Committee three clauses, which would tend to render the declaration made at the beginning of each Session of Parliament, as to the impropriety and illegality of Peers interfering in the election of Members to serve in Parliament, not a mere shadow or a dead letter. There was nothing more notorious than that the Peerage did interfere, notwithstanding this declaration of Parliament at its assembling. He could, as an instance, state, that in the borough he represented (Hertford), the noble Marquess who lived in the neighbourhood, whose enmity to the Reform Bill was but too well known, had used his utmost influence at the late election; and, so far from his being deterred from pursuing the same course hereafter, he had lately compelled his tenantry, who were extremely numerous, to sign a bond, by which they who had votes for the borough of Hertford agreed to give up at quarter-day, upon receiving fourteen days' previous notice to quit, the possession of their tenements or holdings under that nobleman. The bond contained a clause of forfeiture in case the tenant refused to surrender, and the penalty for his refusal was 50*l.* In the case of persons who would be entitled to vote for the county, who were his tenants, he believed there was a longer notice required; but the bond was required in this instance also, and the penalty on refusal was the same. The first clause which he had drawn out inflicted a penalty of 500*l.* upon any Peer interfering, and proved to have interfered, in any election. The second clause pointed out the tribunal by which the penalty was to be inflicted. The third showed the mode in which the penalty was to be recovered. There was another Bill in progress in the other House of Parliament, to prevent corrupt practices at elections—which was very kind and considerate of the noble Lords; and no one felt more grateful to the noble and learned Lord, the author of the Bill, for his good intentions, and the interest he appeared to take in the purity of elections, than he felt; but that Bill, like the Bill of his noble friend, entirely overlooked the impurity of which he complained, and in no way provided for the vindication of the sessional resolution. That the House of Commons, from the earliest period of our representative history, had ever been jealous of the influence and interference of Peers, was strongly proved by the fact that, until the reign of Edward 6th, the eldest sons of Peers were not allowed to approach this House, or considered eligible to sit in Parliament. The first instance of the sort was Sir Francis Russell's, member for Bucks, who succeeded his elder brother, Lord Russell, who died; and on Sir Francis Russell becoming Lord Russell, a long and angry debate took place, whether he should continue to represent the county of Buckingham, when, after much discussion, it was decided in the affirmative; from which time the encroachments of the Peerage had gone on, and, he was convinced, would continue and increase, unless the Commons adopted some legislative enactment to prevent them. The question, therefore, was simply this—whether the Reformed Parliament was in future to represent the Commons, and the Commons of England only, or whether Peers should with impunity interfere in elections? If the House was of opinion that they ought to interfere—which it would virtually establish if it negatived the principle upon which his Motion was founded — then let Peers be placed at once upon the same footing as all other electors, and let them, now and henceforward, if they thought proper, register and vote at elections, so that the people might know what they were about; but do not let a Reformed Parliament go through the farce of passing a resolution, which was an insult to the people of England, and a mockery on the understanding of the House. For his part, he thought, as it had been the pride and good fortune of this House of Commons to extend the rights and privileges of the people, so it ought to be its duty to see that the people were secure and protected in the undisturbed enjoyment of those rights, and that their votes could be freely and independently given, for the promotion of those ends for which their votes were granted. All he asked was, that the sessional resolution should have the force of law, and thereby put an end, now and for ever, to that species of unconstitutional interference on the part of Peers—an interference frequently accompanied by acts of oppression—acts not less degrading to the Peerage itself, than subversive of the ancient and undoubted rights and privileges of the people of Great Britain. He moved that the clauses be brought up.

The Chairman called the attention of the Committee to the fact, that the clauses against the interference of Peers did not come within the scope of the title of the Bill, which was to prevent "bribery and corruption" at elections. He, therefore, thought that they could not be brought up.

Lord *John Russell* agreed with the Chairman, that the clauses were inadmissible in point of form, but, nevertheless, he thought the present not an improper time to discuss the principle involved in the Resolutions. In his opinion, the Resolutions of the House against the interference of Peers at elections, only applied to cases of gross and open interference. He did not think that it could be the object of a Reformed Parliament to shut out all interference whatever on the part of Peers. There was a wide difference between the legitimate and illegitimate influence of rank and property: the former he hoped never to see abolished. He objected to the proposed clauses as inconsistent with the ordinary course of justice (this referred to the mode of imposing the penalty), and calculated to produce collisions between the two Houses of Parliament.

Mr. *Currie* wished to know from the noble Paymaster of the Forces, whether it was legal or constitutional that a Peer should interfere in elections? To his own knowledge, the Marquess of Salisbury had indirectly, by bribes, and directly by threats, most illegally and unconstitutionally endeavoured to influence the electors of the borough (Hertford) which he (Mr. Currie) represented.

Lord *John Russell* did not think it necessary to deprecate such conduct in either Peer or Commoner as highly illegal and unconstitutional. He, however, saw no reason why a Peer should not influence elections.

Motion negatived.

House resumed; Committee to sit again.

Loan for Greece.] Viscount Palmerston moved the Order of the Day for the House resolving itself into a Committee on the Greek Treaty Acts, with a view to bringing in a Bill "to enable his Majesty to carry into effect a Convention on the affairs of Greece."

Mr. *Hume* objected to the Speaker's leaving the Chair on so short a notice, without some explanation of the grounds of the noble Lord's Motion, and of the object he proposed to accomplish by the Bill.

Viscount *Palmerston* said, that the notice was given on Friday, and there could not be any further delay without great inconvenience. The object of his Motion was to enable the Government to complete the arrangements which it and the governments of France and Russia had entered into in February, 1830, for the final settlement of Greece as an independent monarchy. The Motion was, therefore, evidently not new in principle, and was a mere following up of the measure adopted by the Duke of Wellington's Administration. The House must recollect that, after much arduous and intricate negotiation, the three great Allied Powers had entered into a Convention, by which Greece was guaranteed an independent existence under the sovereignty of Prince Leopold, and had also agreed to guarantee that prince a loan of 60,000,000 francs, so as to enable him to assume and exercise the functions of the new monarchy with efficiency and dignity. The arrangements then entered into were not, as they all knew, completed, so that it became the duty of the Allied Powers to endeavour to prevent the mischievous consequences of their being abruptly suspended, and to bring them to a satisfactory conclusion with the least possible delay. Accordingly, negotiations were entered into anew, and, as the first and preliminary step towards that satisfactory conclusion, so much to be desired, was the selection of a proper person to fill the new throne, the choice fell upon Prince Otho of Bavaria, who accepted the sovereignty on the same conditions as those on which Prince Leopold had consented to undertake the monarchy—namely the guarantee of an outfit loan. The present Government, indeed, had no choice as to engaging in the guarantee with regard to the loan, for the previous stipulations on that subject had been made to the States of Greece, and not to Prince Leopold alone, so that they could not be annulled by the fact of his declining the sovereign authority. The terms, however, of the treaty by which this loan was guaranteed by the three Powers, differed somewhat from those which guaranteed Prince Leopold's; for besides being much more precisely and definitely binding on the Greek government, there were stipulations as to the mode in which it should be paid, that would in themselves be a guarantee against all permanent loss to the guaranteeing parties. It was, in the first place, stipulated, that the payment should be made at three comparatively distinct intervals or portions; and, in the next place, it was expressly stipulated that the very appropriation of the revenues of Greece should be the payment of the interest on the loan. Indeed, he had no doubt on his mind, that, in a very short time, the revenues of the new state would be so flourishing, that not only would the interest be paid punctually, but that there would be no need of the third, perhaps the second, instalment. He saw no reason, whatever, why Greece should not once more assume a proud station amongst the nations of the earth, and become one of the most flourishing, as it undoubtedly was one of the most favoured, territories on the face of the globe. Notwithstanding it had now been the scene of a ten years' barbarous and exterminating warfare, and a prey to all the ills of intestine commotion, and anarchy, and confusion, its revenues had improved, within the last year, and it required no very sanguine fancy to anticipate, from its maritime advantages and fruitfulness of soil, a commercial eminence, such as distinguished Venice and Genoa during the last brilliant days of Italian story. He must remind the House, that the occasion of Prince Leopold's refusal of the sovereignty of Greece was the unsatisfactory state of the northern frontier, laid down in the Convention of 1830. As that frontier, by making the Aspropotamos the boundary on the north-western side, excluded a great portion of Arcanania and Ætolia from the new Greek state, it appeared to Prince Leopold to be so insecure and indeterminate, that he felt he could not, with honour or satisfaction to himself or the inhabitants of the Greek peninsula, accept of the sovereignty, unless the three Powers agreed to re-consider the treaty, with a view to extending the frontiers to the original mountain line, extending from the Gulf of Volo to Arta. His suggestion was at the time refused, and, as a consequence, the negotiations for the settlement of Greece were interrupted. Since that interruption, however, the Powers had taken the subject into their earnest consideration, and had arrived at the conclusion, that the original frontier from Volo to Arta was, in every point of view, whether considered in its geographical or military relations, the most expedient that could be fixed upon, and accordingly, in the treaty under which Prince Otho was raised to the throne of Greece, the Volo and Arta frontier had been adopted. That frontier constituted a fine natural mountain range boundary, possessing every military and physical condition requisite to the protection of a small territory, and, besides, separated the Greek from the essentially Turkish provinces. It could not, however, be expected that Turkey would agree to a boundary which went to curtail her territory of Arcanania and part of Ætolia, without some compensation; and, accordingly, negotiations had been entered into under Sir Stratford Canning, the British Ambassador, which he had every reason to believe were all but formally concluded, and under which Turkey agreed to give up those provinces for a specific pecuniary payment, the exact amount of which he did not, at that stage of the proceeding, feel himself justified to make public. He might, however, state, without breach of official confidence, that the matter would be settled to the satisfaction of all parties, and that the payment would be made out of the loan which formed the immediate object of his present Motion. Hon. Members had asked, why bring forward a question of this kind at so late a period of the Session? The short answer to that question was, that if the loan were delayed for any length of time, the object for which the three Powers originally undertook to interpose would be entirely defeated, and Greece would be thrown into a state of anarchy and confusion, from which it would be next to impossible to rescue her. In short, to delay the payment of the instalment for another six months would be to refuse it, or, at all events, to render it useless. It was contended, on the other side, that England ought not to become a party to a loan of this kind, because it was impossible that Greece could repay it. Those who adopted that argument looked only to the present state of Greece; and, indeed, it was not wonderful that a country which, for so many years, had been struggling against the oppressor—which had so long been made the seat of a wasting and barbarous war—should present an appearance of poverty and desolation. But it did not follow, because Greece, under such circumstances, was impoverished, and incapable of raising a revenue, that, hereafter, when the object of the three Powers should be effected—when she was released from the yoke of the Ottoman—when she had an independent government of her own, when the energies of her people were called forth—when the natural resources of the land (and they were great) were sought out and cultivated—that then Greece should not be able to repay to the Powers of Europe all that they had advanced for the establishment of her freedom and independence. He felt satisfied that the House hereafter would have no reason to regret having acceded to the Resolution which it was his intention to move when the Speaker had left the Chair. The principle of his measure, he repeated, was identical with that which guaranteed a loan to Prince Leopold; and every circumstance that justified that guarantee applied with tenfold force to the present state of that too long ill-used territory.

Mr. *Best* said, that as the papers connected with this subject were only laid upon the Table last Saturday, he was not prepared to dispute the accuracy of the statements made by the noble Lord opposite; yet he must say, that he thought it most extraordinary, in the present circumstances of this country, that the House should be called upon to pledge itself to the payment of 800,000*l.* with so slight a probability of it ever hereafter being repaid. He knew it was said, that this country only guaranteed the payment of the money, in case the Greeks should not be able to fulfil their engagements; but if, as he believed, the first instalment was already pledged to the Turkish government for the surrender of a certain portion of territory which they held, instead of being appropriated to the improvement and cultivation of the wasted and desolated land of the Greeks, what security had this country that the Greek nation would ever possess the means of repaying the money? Under these circumstances, although this was possibly the last time that he should have the opportunity of taking a part in the proceedings of that House, he should certainly feel it to be his duty to express his opposition to the Resolution which the noble Lord had intimated his intention of moving, by going to a division upon it.

Mr. *Robinson* thought, that it was the height of infatuation in the noble Lord to come down to the House and propose the present grant, after the statement made only a few nights ago by the Chancellor of the Exchequer, of the financial difficulties of the country. The noble Lord had said, that he made this proposition more on the ground of its being a legacy left them by the late Government than for its own intrinsic merits; but the noble Lord ought to recollect that the arrangement made by the late Government was entered into with Prince Leopold; and he did not see that this country was bound, after the rejection of the sovereignty of Greece by his Royal Highness, to continue the guarantee of any sum of money. It was rather strange, too, to hear the present Ministers, who, when out of office, so loudly declared against the extravagance of the late Government, declaring that they considered themselves bound by the acts of their predecessors. But there was no probability, it was stated, that this country could suffer any loss by the proposed guarantee, because the entire revenues of Greece were pledged for the repayment of the loan. Let the House, however, bear in mind that there were other Greek loans besides the present one; and he really thought that the parties who had formerly advanced their money for the benefit of Greece were entitled to some consideration; and if the revenues of the country were to be appropriated to the liquidation of her debts, those creditors ought, in fairness, to receive a portion of them. He was sorry to say that this country had not gained much benefit by interfering in the affairs of the Continent; objects which were purely continental had been accomplished at the expense of much English treasure; and he regretted to see that the noble Lord had, in this respect, fallen into the error of his predecessors. He objected to the present proposition being brought forward at so late a period of the Session, and during such a thin attendance of Members. Before he sat down he wished to ask the noble Lord, whether any security had been obtained for the establishment of free institutions in Greece under the new *regime*; or whether the young Prince Otho and his advisers were to be allowed to establish the government on any principles which they might think fit?

Mr. *Hudson Gurney* thought that Prince Otho was a very unfit person to be appointed to govern such a distracted and half-savage nation as Greece; and he was surprised that no one had been selected from the Greeks themselves to govern the country; it was the most absurd thing imaginable to choose a youth of seventeen years to rule over a turbulent and ferocious people. He was decidedly opposed to the present grant; and he thought that a more improper time for its proposition could not have been selected, than when this country had so much difficulty to maintain its own finances in a proper condition, and to pay its own debt.

Mr. *Wellesley* said, that any person at all acquainted with the state of Greece, must be aware that a native prince was the most unfit individual that could be selected for its sovereign. He thought that the present Government were placed in circumstances of great embarrassment with respect to questions of foreign policy. They could not act altogether upon their own judgments, but were shackled by the arrangements made by their predecessors. He should give his support to the proposition of the Government, because, though he could not agree with the noble Lord in his anticipations of the great prosperity of Greece, he yet thought that the loan of this money afforded the only chance of restoring that country to a state of civilization. He thought it very unlikely that this country would be ever called to pay any money on account of this transaction; for he believed that Russia would not have become a party to the guarantee, had there not existed a great probability that the loan would be repaid by Greece.

Mr. *Courtenay* said, that one of the inconveniencies of discussing such a question at that late period of the Session was, that the persons most interested in the noble Lord's statements were not present. He would observe that it must be full in the recollection of every Member whom he had the honour to address, that after the rejection of the throne of Greece by Prince Leopold, the late Government never entered into any negotiation whatever respecting the loan which now formed the subject of discussion in the House. Throughout the papers which he had examined on the subject, he had not observed that the Government of this country had done anything more than make a small advance to an agent of the Greek government resident in Paris. It had been alleged that the present Government of this country was bound to proceed in this matter, because the business of interference had been commenced by the preceding Administration. The late Government had not by their acts bound the present, neither could they in fairness be held responsible for the original interference; on the simple ground that they were not parties to that interference, it having taken place before they came into office. They were certainly no parties to the Convention, a leading feature of which was the nomination of Prince Otho to the throne of Greece—a nomination not only not desired by the late Government, but directly disapproved of by them. Both the Duke of Wellington and the Earl of Aberdeen had opposed it when proposed. It was true that prince was now three years older than he was then, but that did not fit him for the throne. For his own part he disapproved very much of the choice, and as it had been disapproved of by the former Ministry, it was absurd now to attempt to make them responsible for it. It had been suggested that there ought to be a short postponement of the present Motion, for the purpose of enabling honourable Members to come to a sounder and more advised conclusion upon that important question. To such a postponement he confessed he saw no objection. He hoped the Ministers would consent to postpone the consideration of this question for a short time, in order to enable those who were greatly interested in it to be present during the discussion.

Mr. *Hume* expressed great surprise that the members of an Administration which had taken office on the declared condition of non-interference with foreign states, should outdo their predecessors in a course of the most ill-advised interference. He regretted to hear the speech of the noble Lord, who was disposed to think a great deal of the Greek king, but nothing of the Greek people. The House was wholly to support the king; the people were never thought of. The noble Lord had never once mentioned the Greek nation, nor had he informed the House that the Greeks wished for a king. Could the Ministers then suppose that it would be in their power to reconcile the discordant elements of which the Greek nation was composed, by placing over them a boy of seventeen years of age, or three men representing that boy? It was idle in the extreme to suppose that a government so formed, having no foundation in public opinion, could have sufficient influence and energy to maintain itself in such a country. But even if it were a monarchy of a better character, monarchy was not the form of government best suited to Greece—of all others he conceived it to be the least suited to that country. In his opinion, a federal republic, or at least a good representative government of some sort or other, would be infinitely better suited to the purposes of Greece. The money which this country was about, he feared, to advance for the purpose of maintaining Prince Otho upon the throne, would be money completely thrown away, and all for the purpose of upholding the monarchy—and such monarchy too—monarchy in the person of a youth whose father had but just recently taken a part in the Frankfort Confederation. In the present state of the House, he thought that coming to such a vote would be extremely improper; and, therefore, he should say, let there be a call of the House, and let the proposition then before them be submitted to a large assemblage of the Representatives of the people.

Lord *Althorp* agreed with hon. Members that the House was not bound by the acts of the Ministry, and it could not for a moment be supposed that his Majesty's Government had ever acted as if they thought that the House could be bound by their acts. He regretted to observe that the question had been argued throughout in a manner too insulated, as if the loan, which was only a part of an extended body of political proceedings, formed the whole of them. It must be well known to the House, that the interference on the part of this country in the affairs of Greece, had its origin at a period antecedent to the accession to office of the Duke of Wellington, and therefore, neither he nor the present Ministers, were answerable for the consequences. It was, of course, fully remembered that the interference commenced under the Administration of Mr. Canning; and even if that right hon. Gentleman had been desirous of avoiding the interference, he might have found himself not a little embarrassed, for the enthusiasm which at that time prevailed amongst the people of England was intense—an enthusiasm of which, if he remembered rightly, the hon. member for Middlesex largely partook. The people of Greece demanded from the three great Powers a sovereign in whom all of them should have confidence, and they all at length agreed in nominating Prince Otho. The hon. member for Middlesex had observed, that monarchy would be a most unfit form of government for Greece; but, upon what grounds did he say so? It was admitted that Greece was in a semi-barbarous state, and did the hon. Member suppose that that was the condition of society the most favourable to the establishment of a republic? He thought it had generally been held, that the highest degree of civilization was, if not essential to the existence of a republican form of government, at least the most conducive to that object. In the present state of Greece, it would not for a moment be denied that some strong controling power was demanded; and the idea of forming a republic in a country so little advanced, did, he confessed, appear to his mind perfectly visionary. He, at the time the interference took place, was not so enthusiastic on behalf of the Greeks as was his hon. friend, the member for Middlesex. It had been observed that the parties had done wrong in selecting so young a man as Prince Otho—that remark proceeded upon the supposition that they were at liberty to select any one whom they might think proper; but he begged the House to remember, that the business of selection was no easy task, and it was rendered doubly difficult by the fact, that it had been agreed upon that no prince should be selected from the houses of the contracting parties. Upon these grounds, then, he hoped, that the House would confirm the treaty.

Mr. *Fane* approved of the arrangement, and thought it the best that could have been adopted under the circumstances. He did not object to the payment of the money, because this country had a direct interest in the settlement of Greece.

The House divided: Ayes 49; Noes 16; Majority 33.

List of the NOES.

Baillie, Colonel
Burge, W.
Capel, J.
Courtenay, T. P.
Dalrymple, Sir A.
Dawkins, J.

Dixon, J.	Sibthorp, Colonel
Hodges, T. L.	Vincent, Sir F.
Loughborough, Lord	Watson, Hon. R.
Lyon, Captain	TELLERS.
Robinson, G. R.	
Sadler, M. T.	Hume, J.
Shaw, F.	Best, Hon. W.

House went into Committee.

Viscount Palmerston moved a Resolution to enable his Majesty to guarantee a loan to the Greek government.

Mr. *Best* said, he should oppose the Resolution in so thin a House at that late hour.

Viscount *Palmerston* said, that so far from the House being thin, it was comparatively full. He begged hon. Members to recollect that this was not a final proceeding, but only the foundation for a bill, which might be opposed in its several stages.

Mr. Best withdrew his opposition.

Mr. *Hume* repeated his objections to the measure, and declared he should divide the House in a future stage.

Viscount *Palmerston* said, it seemed to be supposed that the three Powers were imposing on the Greeks a monarchical government against their inclination, whereas there had been three assemblies in Greece to consider of a form of government, and every one had decided in favour of a monarchy.

Resolution agreed to.

House resumed.

HOUSE OF LORDS.

Tuesday, August 7, 1832.

MINUTES.] Papers ordered. On the Motion of the Duke of RICHMOND, the 23rd and 24th Reports of the Commissioners of Charities.

Bills. Read a first time:—Composition of Tithes (Ireland).—Read a third time:—Public Accounts (Ireland); Soldiers Families; Half Pay.—Received the Royal Assent; Reform of Parliament (Ireland); Boundaries Ireland; Ecclesiastical Courts Contempt; Appellate Jurisdiction.

Petitions presented. By the Marquess of LANSDOWN, from Henley and Shelton; and by Earl GREY, from several Places in England and Ireland, in favour of the Ministerial Plan of Education for Ireland.—By the Duke of RICHMOND, from certain Tradesmen of the Metropolis, and by the Earl of CLARENDON, from Watford, &c., for the better Observance of the Sabbath.—By Earl GREY, from a Dissenting Congregation of Chester, against Slavery, and against Infanticide in India; from three Places in Ireland, against the Punishment of Death for Forgery; and from Galway, for a Clause in the Irish Reform Bill relative to the rights of Freemen.—By the Bishop of HEREFORD, from Hereford, against the Punishment of Death for Forgery.

SPEAKER OF THE HOUSE OF LORDS.] The Duke of *Richmond* wished to call their Lordships' attention to a subject of considerable importance. It was known to them that the Speaker of that House was paid by fees, and it was desirable that the office should be paid by salary, and not by fees. Following the precedent which had been set in the case of the Clerk of Parliament, he wished to have a Select Committee appointed to examine and report the amount of fees and emoluments of the office preparatory for doing away the fees and substituting a salary. He begged leave, therefore, to move for a Select Committee to inquire into the matter.

The Committee appointed, and a Bill fixing the Speaker's salary was read a first time.

JURIES (IRELAND).] Viscount Melbourne presented the Report of the Select Committee on this Bill.

The Marquess of *Westmeath* inquired, if it was the intention of his Majesty's Government to press the Irish Juries Bill through Parliament during the present Session?

Viscount *Melbourne* replied, that certainly it was their intention to do so.

The Duke of *Wellington* wished to know if his Majesty's Government had received any Report upon the subject from the Irish Judges.

Viscount *Melbourne* said, that they had not, but the measure was of such a nature that, nevertheless, they thought it their duty to proceed with it.

The Duke of *Wellington* understood, at an early period of the Session, that it was the intention of his Majesty's Ministers to consult the Judges of Ireland upon the subject of this Bill. He could not help saying, that it appeared to him most extraordinary that their Lordships should be called on, in such circumstances, and at the present period of the Session, to pass a Bill of this description, particularly when he coupled it with the circumstance that another Bill relating to the administration of justice in Ireland, and perhaps of still greater importance than this, was about, he believed, that very night, to be introduced into the oher House of Parliament.

Viscount *Melbourne* had never undertaken to obtain the opinion of the Irish Judges. The Lord Chancellor and the Attorney General of Ireland concurred in the expediency of passing the Bill, and, when it was printed, their Lordships would see that it amounted to little more than a consolidation of the existing laws.

Lord *Wynford* could see no necessity for pressing the Bill at this period of the Session, and in the present state of the two Houses of Parliament. It was impossible that the measure could be wanted immediately in Ireland, as the Circuits were nearly over. He submitted that, as his Majesty's Government had neglected to obtain the opinions of the Irish Judges, it was a little too much for them to press forward the measure in a state of the House in which to talk of legislation was an insulting mockery. [The average attendance of Peers for many nights back had not been above eight or nine.] It would be at least four or five months before the measure could be wanted. He had referred to the state of their Lordships' House, but what was the actual condition of the other House of Parliament? Was not a measure at this moment about to be introduced there in order to amend the all-perfect Bill of Reform? And would not this be quite enough for them to attend to for the remainder of the Session, without the additional burthen of this Bill which his Majesty's Ministers proposed to send them? He believed that not one, but several, Bills would be required to perfect the scheme of Reform; for, if he was rightly informed, there had never at any period been so much bribery going on as at the present moment.

Viscount *Melbourne* said, that the Bill would not come into operation until 1834, and its object was not to alter but to preserve the present practice. Had the object been to alter the present practice, there would have been some weight in the noble and learned Lord's observations.

The Marquess of *Westmeath* said, that if the effect of the Bill would be to make the constitution of Juries more popular, he thought that, after the recent example of Kilkenny, the time was very badly chosen. Delay would not be injurious, as the Bill was not to come immediately into operation.

The Marquess of *Lansdowne* said, that, as the Bill did not come into operation until the year 1834, there would be time enough, if necessary, to amend it. But, if it were not passed now, it would not come into operation until 1835.

Report laid on the Table.

CHANCERY SINECURES BILL.] The Lord Chancellor moved, that this Bill be now read a third time.

Earl *Grey* said, that he was instructed to signify the consent of the Crown to this Bill.

Lord *Wynford* was not opposed to the abolition of sinecure offices connected with Courts of Justice; on the contrary, he had proposed and carried into effect the abolition of all the sinecure offices appertaining to the Court over which he had once had the honour to preside. But he nevertheless thought it his duty to state to their Lordships the reasons which induced him to think that the Bill now before them, and which his noble and learned friend on the Woolsack had had under his consideration for more than a year, was one to which it was impossible for their Lordships to give their assent. The Bill, he was persuaded, could not, by any possibility, have been drawn by his noble and learned friend. If the offices to be abolished by it were sinecures, they of course had no duties connected with them; but if they had duties connected with them, then it was fit, before they abolished the offices, to make provision for the execution of those duties. The Bill, however, said that, on the 15th of April next, the offices should be abolished, without saying one syllable of provision for the duties, although it was admitted that very important duties were connected with the offices. Now, if it should so happen that Parliament did not, between this and the 15th of April, pass a Bill to ensure the performance of these duties, in what situation would the Court of Chancery be placed? His noble and learned friend felt the difficulty of the suspension of some of these offices, even for a few days, and very properly proceeded to fill up the vacancies which had arisen. He felt the difficulties so strongly that he took upon himself to fill up the vacancies, notwithstanding his strong opinion, a thousand times expressed, that the offices ought to be abolished. And he did right in filling them up, for the Court of Chancery could not stand still, and it was only by the exercise of his power under the existing laws that these indispensable offices could be filled up. Some of these offices the noble and learned Lord, by his own conduct, admitted to be most important. Now, suppose any of the holders of these offices to die before the 15th of April. They must be filled up, according to the doctrine of the noble and learned Lord. But, suppose the present Bill to pass, and no other Bill to have received the assent of the Legislature previously to the 15th of April, the vacancies could not be filled up. Was there, he would ask, any precedent for this sort of legislation? He defied any man to produce one. Was there any instance of the abolition of important offices—and these offices were admitted to be important—without any provision whatever, and leaving it purely to chances for the creation of instruments for the performance of the duties? He appealed to his noble and learned friend, than whom no man was better qualified to pronounce a sound opinion on the subject, whether anything of this kind had ever been done, and whether it ought ever to be done? His noble and learned friend had had the subject under his consideration for fifteen months. He knew all the while that these offices ought to be abolished. But neither he nor any body else introduced any measure upon the subject. His noble and learned friend had been much engaged during this interval. But his noble and learned friend might be much engaged, and Parliament might be much engaged, for the next six months, and then perhaps no Bill would be introduced to secure the performance of duties which were admitted on all hands to be indispensable. He thought the offices ought to be abolished, but, at the same time, effectual care ought to be taken to provide for the performance of the duties of these offices. Was there, he would ask, anything in the present measure which called on their Lordships to bring it to a conclusion? His noble and learned friend said, that perhaps he might not continue to be Lord Chancellor. He hoped that, for many years to come, his noble and learned friend would continue to fill his present situation. But, if not, his noble and learned friend surely did not suppose that he alone, of all the individuals in the three kingdoms, was the person, the single person, who was disposed to do what was fit and right to be done. His noble and learned friend had, he was sure, too much both of modesty and charity to entertain this opinion. His noble and learned friend seemed to imagine that nothing had been done towards abolishing the sinecure offices in the other Courts. In this his noble and learned friend was mistaken. The sinecure offices of the other Courts had been got rid of without noise—preserving only vested interests, and, what was more important still, the duties had been effectually provided for. By the present Bill they did not get rid of all the sinecure offices of the Court of Chancery. There was the Registrar of the Lord Chancellor, an office always executed by deputy; and there was another large class of officers, the twenty-four Cursitors of the Court of Chancery, a small proportion of whom did the duty for all the others. In the Court of Common Pleas, there was an office analogous to this, that of the Filacers. And with respect to them what was done? It was thought that a saving might be made, and accordingly the duty was thrown upon some of them; and, without any noise or boasting, a provision was made, after the death of the present possessors, for the extinction of the other offices. But, in the Court of Chancery, the Cursitors, who might do their duty by deputy, and many of whom did so, were left untouched. There was another sinecure office also, that of Receiver of Fees, which was not included in this Bill. The Bill he had shown to be imprudent and defective; it left important duties unprovided for, and with respect to the abolition of sinecures it did not act up to the principle it professed. There was another objection to the Bill. The noble and learned Lord intended, no doubt, that it should leave existing interests untouched. He was not sure that this would be the effect of the Bill. The Bill preserved the rights of persons who had held the offices before the 1st of June last. But the abolition of the offices would, as it seemed to him, destroy the rights of those who had a reversionary interest in the offices. This, he was aware, might be altered by the introduction of a few words, and he only adverted to the circumstance in order to show that the measure ought to receive a much greater degree of attention than, in the present circumstances of the House, was possible. Neither could it receive, in another place, the attention to which it was entitled, for there the pressure of business was extreme. There was no necessity for precipitation. This was a measure of destruction; it destroyed, and made no provision for building up. It was indeed much easier to destroy than to build up, and this he supposed was the reason why many persons were so much more ready to destroy than to build up. He objected to the Bill, that it made no provision for the duties of the offices it abolished, and that it made promises in the preamble which the enacting clauses did not fulfil.

The *Lord Chancellor:* When his noble and learned friend said, that the enactment in the Bill did not correspond with the promise in the preamble, he could not agree with him. He agreed that the Bill went to the destruction merely of the offices, but he did not agree that it did not come up to the promise in the preamble. The preamble was, that it was expedient to abolish the offices, and the enactments did abolish. But then his noble friend said, that they abolished without qualification, and, no doubt, the thirteen offices mentioned in the Bill were to cease on a day fixed; but the meaning was, that before that period Parliament would have necessarily assembled, and made provision for the performance of the duties in another manner; and if the 15th April should appear too early a day, then they might say any day in May or June, or the last day of the Session. There would, therefore, be ample time for making provision for the performance of the duties, and for the important object of appointing those with whom the responsibility for the performance of the duties should rest. In the mean time, this great advantage would be gained, that, by a certain fixed time, the offices must be abolished. It was a long time since a Committee of Parliament had recommended that the offices should be abolished. His noble and learned friend said, that the subject had been under consideration for little more than a year or fifteen months; but it had been under the consideration of Parliament for more than fifteen years, or for more than thirty years, for the abolition of these offices had been recommended by Lord Colchester's Committee in 1798; the offices had also been condemned by Parliament; yet they had been continued up to this hour, and it was now high time to get rid of them. The true and only principle of effecting that, was to abolish them prospectively, giving time to Parliament to make provision for the proper performance of the duties. His noble and learned friend talked of certain difficulties that might occur, but these supposed certain accidents which were very unlikely to happen; and the difficulties were of no great consequence, for temporary officers might always be appointed till the period came at which all the offices were to cease. Then his noble and learned friend said, that all the sinecure offices in the Court of Chancery were not included in the Bill, and he instanced that great office, the Registrar of the Court, which was executed by deputy. He should have been very glad, for his own part, to have laid hold of that twig, or rather great branch, also, although he thought it most advisable to proceed, in the mean time, with the offices mentioned in the Bill. He should have been glad to have included the offices of the Cursitors, but they were to be reduced by another Bill. However, if his noble and learned friend thought proper, he had no objection to insert them. As to the objection about the reversion, he was of opinion that the words, "now held," applied to reversions as well as to actual possession for the interest was present, although the office was to be enjoyed *in futuro.* But, however, in case there should be any doubt, that clause might easily be amended. In the mean time, until these offices were abolished, he was liable to suspicions and attacks; and he thought it the best plan now to abolish them at a day certain.

The Earl of *Eldon* lamented that such a Bill should have been brought forward at this period of the Session. He could not agree that all these offices were sinecures, and great inconvenience might result from their abolition before a proper provision was made for the performance of the duties. He had filled the office of Lord Chancellor for seven-and-twenty years, with only a very short interval, and he had been practising at the bar of the Court for many years; could, then, it be possible, for that which was called Chancery Reform, to have escaped his attention, and that of his many noble and learned predecessors; and their impression certainly was, that improvement in the Court of Chancery was not to be brought about by the sudden introduction of a ready-formed system; but by the propounding reforms, and making orders, as the necessity for them should, from time to time, arise. With respect to the present measure, it was one of the highest importance, and one which should not be urged forward through that House, without the fullest opportunity being afforded for the most minute and dispassionate attention.

The *Lord Chancellor* could assure his noble and learned friend, that nothing could be further from his mind than not to afford the House the amplest opportunity for considering and examining into all the details of the measure, and making themselves fully acquainted with its probable operation. No change should be proposed by him in the law affecting that highest of all our tribunals, without the most careful and elaborate attention on his own part, and without affording every noble Lord the best opportunities for bestowing upon it similar care. He was quite ready to yield to the objection that had been urged against the 15th April, and, therefore, he thought of filling up the blank in the Bill with the words, "the last day in the next ensuing Session of Parliament;" but as circumstaces might possibly render a short Session before Christmas necessary, he thought that it would be the better course to fix such a day as must include the whole of the next Parliamentary year; say, until the 20th of August, 1833.

Those words being inserted, the Bill was passed.

The *Lord Chancellor* then said: As the Bill has now passed, I trust your Lordships will indulge me for a few moments. The short remarks I have to make will be disposed of very speedily; but I purposely postponed them until this Bill should have passed. Some observations have been made in another place upon something that fell from me here. Now, I beg to say, with reference to that, that I never alluded to any individual in an unparliamentary or offensive way, and I regret to learn, that my observations have given pain, for it is, at all times, and under all circumstances, most deeply painful to myself to occasion pain to any other human being. I cannot say, that the observations made by me were uttered under the influence of irritation or of anger: I confess I have not that excuse; but I did feel contempt and scorn for the charge that was made—a charge in which the accuser stooped to insinuate, at the very moment of my life—at the very moment in the life of any public man when such an insinuation could be least merited—stooped to insinuate, at the very moment when I was doing an act of some imprudence, it might be called folly—an act, certainly, which, in the ordinary course of prudential conduct, I had no right to commit—that, at that very moment, I, under the influence of sordid motives, was departing from those principles to which I was then making a great and substantial sacrifice. It would be folly and childishness to say that it was not a great and substantial sacrifice; but it was one which I made, so help me God, without the slightest reluctance or discontent. I acknowledge that I did feel great scorn and contempt for such a charge so brought; and, in expressing my feelings with reference to the accusation, I might have gone further, and said that which, apparently, applied to the quarter from whence the charge proceeded; but it is not in my nature; on the contrary, it is most abhorrent to my nature, to utter anything calculated to inflict the pain of which complaint has been made. I repeat, that I should be, at all times, most averse from any such thing; though I did express, because I strongly felt, scorn and contempt at such a charge.

HOUSE OF COMMONS,

Tuesday, August 7, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, Accounts of the School of Naval Architecture at Portsmouth; an Account of all the Sums paid to Greece, or for the Service of Greece; Copies of the Reports of two Select Committees of the General Assembly of Upper Canada in 1828, relative to the Conduct of Captain Philpotts.

Bills. Read a first time:—Chancery Sinecures Abolition; Greek Convention.—Read a second time:—Land Revenues (Scotland).—Read a third time:—Public Accounts; Glass Duties; Aberdeen College.

Petitions presented. By Mr. MORE O'FERRALL, from Naas and Lea (Queen's County),—against the Tithes Composition Bill (Ireland).—By Colonel EVANS, from Salisbury and Ryde (Isle of Wight); and by Mr. HUME, from Bridgewater, for Maintaining the National Independence of Poland.—By Lord DUDLEY STUART, from the Silk Manufacturers at Macclesfield, and other Places, Complaining of the Conduct of the Committee appointed to Inquire into the Silk Trade.

SILK TRADE PETITIONS.] Mr. Alderman *Venables* rose to present a Petition on a subject of considerable importance, from a number of persons being silk manufacturers of the city of London and its vicinity. The petitioners expressed the opinion and sentiments of a large proportion of the trade in the metropolis, and in the country, stating their grief and disappointment that the Select Committee, appointed so far back as the 1st of March last, should have presented to the House the evidence heard before them, unaccompanied by any opinion as to the causes of the present distressed condition of the silk trade. On one point there would be but one opinion—namely, that the course which had been pursued by the Committee would have a most injurious effect on all the parties interested in the preservation of the silk trade. It must be clear to those persons who had attended to the evidence brought before the House, that matters could not rest here, but that some decisive measure must be resorted to. This petition made certain statements upon which he would say a few words, stating, at the same time, his conviction that these petitioners had proved the truth of all the allegations advanced by them in a former petition. They had made out a much stronger case than ever was expected. The Committee appointed by the House, and which was named in consequence of the former petition, were instructed to inquire, first, as to what effect had been produced by the changes made in the law since the year 1825, in the silk trade; and, secondly, whether any, and what legislative enactments, compatible with the interests of the country, might be suggested in order to promote the success of the manufacture. In his opinion they had proved, that distress, to a greater extent, more universal, and prominent than ever was known before, prevailed in this very important branch of our manufactures. Wages had fallen fifty per cent, and whilst the consumption had increased, the trade had lost. The parties had proved to the Committee that smuggling had greatly increased since the alteration was made in the law. Another point which had been established was, that the fancy branches of the trade which formerly employed a large number of hands, were almost lost. Again, the country was supplied from France and Germany with the coarser kinds of goods. To one circumstance connected with the prevailing distress, he would call the serious attention of the House;—it was this, that the practice which commenced in the agricultural counties of paying agricultural labourers out of the poor rates, had extended itself to this trade, so that the wages were regularly made up to the operatives out of the poor rates. If this practice were allowed to continue, it would extend itself to other trades. The petitioners, therefore, were most anxious that the matter should not end here. It had been further proved that smuggling, which was formerly carried on by a few persons of desperate character, was now practised by men of large capital, holding respectable stations in the country, who were induced to run the risk because they made sure of realizing a great profit by the extent of their transactions. These men could afford to pay a heavy sum to the Crown when detected. He was not desirous to interfere with free trade as an abstract question, yet it might be carried to excess at its first application; and such had been the case with reference to the silk trade. As to what means the House or the Government could adopt, with the view of remedying or removing the pressure under which the trade then suffered, he should forbear to offer any opinion; but some measure, having for its object the improvement of the silk trade must be adopted in the early part of the Session. He should wish to see the trade of this country made as free as possible; but it was the duty of the Legislature to see that abstract principles were not carried too far. He begged to move that this Petition be brought up.

Lord *Dudley Stuart* concurred with his hon. friend, in the regret he had expressed, that the Committee had not agreed to any Report, but had contented itself with merely publishing the evidence. It would be his duty to present a similar petition from persons connected with the trade at Macclesfield. He could not, therefore, omit this opportunity of saying that if the Committee had been more regularly attended, the result would have been more satisfactory. He was bound to say, that some blame attached to those persons who had the formation of this Committee. Many of the members were also members of other Committees. However assiduous they might have been, it was to be regretted that they were appointed members of a Committee at which they could not attend. It was not surprising that the attention of the Legislature should be called to such petitions as that which his hon. friend had laid upon the Table, and that he was about to present, because persons were naturally anxious to have some specific information on this important question, and to see some measure adopted which should tend to diminish their intense anxiety. As to the existence of great distress, the evidence before the Committee fully confirmed the fact. It not only existed in one branch, but pervaded the whole manufacture. The manufacturers, indeed, had unhappily, for a long period, carried on their trade at a loss of property; and, looking to the state of the manufactures of the metropolis at that moment, and comparing their present condition with the state in which they were before the alteration of the law, the result was truly lamentable. Formerly there were, in Spitalfields, 169 manufacturers, which number was now reduced to only eighty-seven, of which sixty-seven had failed. In the rate of wages, there was likewise a frightful reduction since the year 1814, while, even at these reduced wages, but few labourers could obtain employment. The necessary consequence of this was, that the poor-rates in all places where the silk trade was carried on were increased to a most enormous extent, and in Spitalfields, more so than in any other place. In the year 1826, 914 persons received parochial relief in that place, while now that number was increased to the frightful one of 7,300. Several such circumstances might be adduced, and similar statements had, indeed, been made before the Committee. Facts like these were surely calculated to startle theorists, and to show the necessity of a speedy change in the measures which had caused so lamentable a state of things. He himself considered the case of the petitioners as one which imperatively called for the most serious and earnest consideration of the Legislature. Great blame attached to the Government, because it did not insist, when it permitted unrestricted admission of French goods, upon something like reciprocity; so that the benefits of the alteration should not have been given to France alone. When the Government thought fit to alter the existing law, the plan was met by repeated remonstrances from the trade, but in vain. The Government persisted, and the country now suffered. The trade was composed of various and dependent branches, and, by destroying one, the destruction of the whole must follow. The French and Italians had great advantages over us. The Italians had copious waterfalls; their mills were placed in situations superior to any which our trade could boast of—upon those streams which water the beautiful vallies of the country, and which, indeed, might well be called streams flowing with gold. Indeed this particular trade would be lost to the country, unless his Majesty's Government resorted to some measure of prohibition. He agreed with the worthy Alderman who had preceded him, in tracing one great source of evil to the practice of smuggling, which had increased to an immense extent. Like him he would suggest that severer laws against smuggling should be enacted; not merely to apply to the lower classes, who incurred great risks, and were amenable to severe punishment; but to affect the practice of smuggling among rich men—enjoying all the luxuries of life—possessors of large capital, who encouraged poor men to hazard their liberty, and perhaps even their lives, with a view to their own pecuniary advantage. The punishment in the case of a rich man should be much heavier than in the case of a poor man, who might be considered as a rich man's servant. The prevention of smuggling was a matter of such vast importance, that he trusted it would immediately receive due consideration. He wished to impress upon the House, that this was a question which must be regarded as affecting the silk trade as a whole, and could not be considered in parts. If, indeed, it were thought better that the silk trade of this country should be abandoned, it would be only fair for his Majesty's Government to come forward and say so boldly; but such a resolution would operate greatly to the prejudice of the country. On the whole, he assured the Ministers that the silk trade was in the deepest distress, and urgently required some measure of immediate relief.

Mr. *Henry Lytton Bulwer* agreed with the noble Lord that the state of distress to which this numerous class of operatives had been reduced, was such as to excite general sympathy. The health and strength of these persons was affected by the state of distress they were now reduced to. As member for Coventry, where the distress was most apalling, he trusted that he might be allowed to call the attention of the House to a few facts that had come out in the course of the inquiry before the Committee on the silk trade. When the subject was formerly under discussion, he said that the quantity of raw silk manufactured was no proof of the great labour it employed, or of the amount of wages; his opinion had been fully supported by everything that had come out in the course of the inquiry. In the evidence, p. 1953, Mr. Charles Ratcliff said, that there were fewer looms, and less work, although there was more silk consumed than there was in the five years before 1826. Again, in page 1944, he said—" There has been less amount of wages paid, there is more silk consumed, but there has been less amount of work done." Mr. Cox said, in page 2105—"The distress has been greater since the larger quantity of silk has been consumed." In page 2107, he said—"In 1826, the cost of labour in 1lb. of silk was 1*l.* 18*s.* and, in 1832, only 15*s.*; it would now take upwards of 2½ lbs. of silk to have the same cost of labour, that it would have taken for 1 lb. in 1824." He would not go into further statements on this point, as he considered the facts which he had just stated sufficient. With regard to wages, Mr. Hume said—"That where the weavers used to earn from 30*s.* to 40*s.* they can now only earn from 10*s.* to 11*s.*" Mr. Poole, a weaver of Coventry, at page 971, said—"Distress prevails in the greatest degree." Mr. Smith, also a Coventry weaver, in page 1306, confirmed this observation. Mr. Goode, page 1206, stated the same, and that, "according to the last census, there were unemployed 1,800 weavers, 450 fillers, 450 winders, and about 160 warpers, making, in all, 2,860." Again, in page 1206, he said—"Wages have been reduced, during the last three years, upwards of thirty per cent." Mr. Marston, of Foleshill, in page 1361, said—"That in December, 1829, there were 1,629 persons destitute of employment." Nor was this confined to Coventry, for Mr. Wadden, Spitalfields, page 9971, said—"That wages have been continually drooping from 1829 to the present time." In page 10285, Mr. Joseph Grant, who was proprietor of several silk factories, stated the following returns of wages:—"In 1822, 2,747 persons were employed at the average rate of 7*s.* 6*d.*; in 1824, 3,594, at the rate of 8*s.* 1½*d.*; in 1826, 3,516, at the rate of 6*s.*; in 1828, 2,818, at the rate of 4*s*; in 1831, 1,871, at the rate of 3*s.* 8½*d.*" It, therefore, appeared at present, that only half the number of persons were employed, and at half the average wages. From these circumstances, the case of distress was clearly made out. The question, then, was whether this distress had not rather been occasioned by home than by foreign competition. With respect to Coventry, there was no home competition, for there was no other place in England where ribbons were manufactured. The truth was, that the preference was so much given to French fashions that it was impossible for the English manufacturer to compete with the French manufacturer in the finer goods. Mr. Merry, page 2546, stated—"that the prejudice is so much in favour of French goods, that the fashionable houses in London will not buy Coventry goods." In page 2162, Mr. Howell, of the firm of Howell and James, in conversation with Mr. Cox, said—"It is impossible that I could order English goods, because the fashion is not under my control. You know that any milliner, as well as ladies of rank, can import the fashions, and I could not sell any goods but what were in strict accordance with the French taste; and if I ordered goods of you, I might order things directly opposite to what the French introduce, and thereby, of course, not meet a sale for them." Mr. Ratcliff said—"that with prohibition, we remit orders as the French do now, but now the large dealers in ribbons here go over regularly to St. Etienne and Lyons, to order their goods for the Spring." Mr. Merry said, page 2204—"there have been recently imported from France 176,000 pieces of ribbon, which would have employed 4,230 hands if manufactured in England." Again, page 2543, he said—"In the years 1823, 1824, and 1825, we paid for labour 40,714*l.*, or, on the average, for the three years, 13,571*l.* 6*s.* 8*d.* In 1829, 1830, and 1831, we paid only 20,411*l.* 6*s.* 2*d.*, or on the average yearly, 6,803*l.* 15*s.*, being a decrease, from 1825 to 1831, of 20,302*l.* 13*s.* 10*d.*, and on the average, a decrease of 6,767*l.* 11*s.* 8*d.*" Now when to this was added the statement which Dr. Bowring had made relative to the increase of looms at Lyons, it appeared that the French manufacture had increased as ours had decreased. Dr. Bowring said, page 8796—"At Lyons, in 1825, there were 20,101 looms; in 1830, 30,000, being an increase of 9,899; and at St. Etienne, there are now 20,000." Mr. Wadden said, 10,134 "that in 1825, there were 12,000 looms at St. Etienne, showing from 1825 to 1831, an increase of 8,000." Comparing this statement of Dr. Bowring with the statements of Mr. Goode and Mr. Cox, the former of whom said, that looms which formerly cost 12*l.* or 15*l.* now sold for 3*l.* or 4*l.*; and the latter, that, of 300 gauze looms in 1826, there were only 19 in 1831, it would be obvious that the decline of the English manufacture had been produced by the competition with the foreign manufacture. He would make no comments on the evidence he had just read, as the facts stated were sufficient in themselves. It was impossible to adopt this system of free trade as long as the monopoly on the chief article of consumption was preserved. It was cruel to adopt measures to make labour cheap, while the price of provisions was kept up. He trusted that, during the vacation, his Majesty's Government would look over the evidence, and that, in the course of the next Session, some relief would be afforded to the silk manufacturer, who had been most cruelly treated.

Mr. *Wynn Ellis* could not tell what the Parliament would do; but he knew what ought to have been done ere it repealed the duties which protected so important a branch of manufacture: it ought to have reduced taxation, and repealed the corn laws. A justification for every species of protection and monopoly was to be found, while one which affected the necessaries of life was allowed to continue. In addition to the great disadvantage, against which our manufactures had to contend, in the existence of a monopoly of corn, the silk trade had claims to protection against that most unfair monopoly of the raw material, maintained by France in favour of her home manufacture, equal at one period to at least 20 per cent.; and still giving a most decided advantage to the French manufacturer. The unrestricted export of the raw silk of France ought to have been conceded before French manufactured silks were admitted into this country. Having constantly attended the sittings of the Committee, and believing that he had a tolerably correct acquaintance with the principal facts taken in evidence, he was induced to claim, for a few minutes, the attention of the House. In common with the petitioners, he deeply regretted that the Committee did not make a Report, because he was of opinion, that no person but those who listened to the evidence could possibly arrive at any correct estimate of the various bearings of that evidence. An hon. member of the Committee stated that the opinion given that Spitalfields employed once 3,000 or 4,000 looms in the figured branch alone, had reference only to a very short period of time; but he was reminded by another Member, that the witness spoke of an average of ten years previously to the opening of the ports to foreign manufactured silks. Now, when it was remembered that the great grievance and complaint was, that the fancy branch was lost to this country, that, which at first sight might appear unimportant, was really one of the most material considerations: for the same witness stated that, at this time, the number employed did not exceed 300. In any arrangements also to be entered into with the French government, the Report of the Committee would have been a valuable document, showing that, unless they granted the unrestricted export of the raw and thrown silk of France, they could not be suffered to enter the English market with their manufactured silks; that the grower in France was desirous of exporting, and that the objection really lay with the French manufacturer. It was to be regretted that a report, which would have strengthened the hands of both Governments, was not presented. He would call the attention of the House to the first question proposed, and answered by Dr. Bowring, as tending to show how carefully his evidence ought to be read and considered. In page 8723, he said, in answer to the question—"You have been for some time past in France, have you not?"—'Yes, I have been engaged for the last four or five months as a commercial commissioner at Paris, and it has been my business to examine, in all their bearings, the manufacturing and commercial relations of France, and I wish, with reference to this object, to make one preliminary observation to the Committee, which appears to me of great gravity and importance: it is this—that in investigating the state of exportations into France from England, and importations into England from France, we have discovered that the amount of manufactured goods imported into England (upon the system which exists here) from France, and imported into France (under the system which exists there) from England, is about equal; but we have been very much struck by one remarkable fact, which is this—that in the goods imported into France from England labour forms a great proportion of the cost of production, and in the goods introduced into England from France labour forms a small proportion of the cost of production; and hence one very obvious consequence will occur to the Committee, that in as far as any measure should prohibit the introduction of French goods into England, a much greater quantity of labour must inevitably be displaced than the labour which is protected.' Now Dr. Bowring might have stated the whole fact, which was, that, of the amount of manufactured silks, the whole value was the labour of France, which produced the raw material, in which it must be allowed labour was as essentially value as in the mere operation of weaving; and therefore the evidence of this Gentleman ought to be received with much caution, who, in pursuit of an object, could overlook so material a consideration. Dr. Bowring gave the opinion and words of M. Dugas, to shew that, "under a system of monopoly, France languishes, and commerce declines." This did not come with a very good grace from one who demanded a monopoly of the raw material, and whose opulence and prosperity was founded on that very system he pretended to deprecate. As to the value of manufactured silks, which Dr. Bowring stated at 800,000*l.*, he must remark, that the French Custom-house valuation was per killogram, and that the scale of value was only ten francs higher for figured silks and ribbons than for plain silks. The real value was, however, for figured silks, 125*s.*, for ribbons, 135*s.*, or an average of 130*s.*, while the French government gave, as the value, only 100*s.* It would appear, therefore, that, instead of 800,000*l.*, the real value, without duty, amounted to 1,100,000*l.*; and as this was in commodities of which the value of the labour formed in France an average of 100 per cent, and in England a higher average, it would give a total to be expended in this country, in the purchase of labour, of from 600,000*l.* to 700,000*l.* How serious, then, must be a loss to the English operative in the silk trade. The value of Marabout silk was stated to be 27*s.* per lb. English, by Dr. Bowring; but the evidence and information of Mr. Dillon and his correspondent, stated it to be 23*s.* 6*d.* He certainly had no particular prejudice in favour of the throwing interest; but, in the course of the inquiry, he had been struck with the fact of large capitals having been invested in the erection of mills, and which, for many years, was uniformly encouraged by the Government; and although greatly reduced in value, this capital yet amounted from 2,000,000*l.* to 3,000,000*l.* sterling, which he feared would be sacrificed, if the duty on foreign thrown silk were repealed. Although the importation of raw silk from Italy had increased up to 1826, from 300,000 lbs. 1,500,000 lbs., yet the thrown never was less than 200,000 lbs., and never exceeded 400,000 lbs., so long as the duty remained at not less than 5*s.*, but, immediately the duty was reduced to 3*s.* 6*d.*, the quantity increased to 500,000 lbs., and upwards, per annum. It appeared, likewise, that the throwing-mills in Italy were capable (being at present employed only eight months in the year) of throwing the whole of the silk there grown; and he did not believe a single pound would be sent to this country in the raw state, if the present duty of 3*s.* 6*d.* were reduced or repealed. He would, in conclusion, say, that great distress existed in the throwing districts. Bad, however, as was their present state, it was yet much better than it would be, if these duties on foreign thrown silk were repealed—an event which he could only look upon as likely to entail wretchedness on the whole population of women and children employed in the throwing mills, and which would be destructive of the property of the mill-owners.

Mr. *Hume* said, that having been one of those who supported the appointment of the Committee, after the observations of the hon. Gentleman who spoke last, he felt called upon to make a few remarks upon the present question. It was not altogether fair in the hon. member for Coventry to read extracts from the evidence which had not been printed. Out of 12,000 questions which were put, there would be no difficulty in selecting answers which would support any view of the subject, as, of course, there was a great variety of views among the witnesses. He had no doubt that he might have selected numerous answers that would have suited his view of the case, as well as those referred to by the hon. Member suited the view which he took of the subject. These petitioners took a most erroneous view of the trade, and imputed the distress which they experienced to wrong causes. He would beg the House to consider what was the nature of this petition. It purported to be the petition of the silk manufacturers. Now, there were distinct bodies with separate interests—the throwsters and the weavers. The former body had a monopoly, and the latter had not. He believed that the manufacturers who made a large portion of the silk, were burthened with a duty of eight per cent., which was given to the throwsters. The latter body chiefly had signed the petition;

there might be some weavers who had signed it, but it was inconsistent to suppose that the weavers, who used the silk, should ask the House to raise the price of the raw material, and thus enable them to compete with the French manufacturer. The evil which they now experienced arose from the monopoly given to the throwster, and the only effect of increasing the duty would be to raise the price of silk articles, which would certainly not increase the prosperity of the manufacturer or the wages of the mechanic. The Italian silk was used in the manufactures of both countries, and our object ought to be to have thrown silk as cheap in one country as in the other. If this were done, it would enable our manufacturer to compete with the foreign manufacturers in all except a few finer articles. It was true there were some articles in which they greatly surpassed us, even to the extent of from 25 to 30 per cent.; for instance, fine gauze. But in many articles we might compete with them, and he had no doubt carry our manufactures into all the markets of the world. The hon. member for Leicester had said that France had an advantage over us in the quality of the raw silk. This certainly was the case; but the quantity of silk he alluded to was not very great; and until we could procure that commodity we should not be on a footing of equality. If by protection was meant an additional duty upon thrown silk, the effect would only be to increase the tax on all articles of silk manufacture. He could not conceal from himself the fact that the number of throwsters in this country had greatly increased, and they were much more injured by the home competition than by any from the foreign market. Any attempts, however, to bolster up the present system would only tend to increase the ruin of those engaged in this trade. The reduction of wages in Coventry and Spitalfields could not be denied; but the reduction of wages was not confined to this trade; for, in the iron and other manufactures, the same complaints were made. The removal of the manufacture to Manchester and Stockport had reduced the number of looms at work in Spitalfields and Coventry; but this had entirely arisen from the injudicious regulations with respect to wages in the latter places. The table of the rates of wages at Coventry, and the regulation of wages by the Magistrates in Spitalfields, had done incalculable injury to the workmen in those places. Rules of this sort were very troublesome to the manufacturer, and always induced him to employ his capital in those places where such rules did not exist. In all cases the best course was to leave the manufacturer to himself. It was a most erroneous opinion entertained by the workmen, that by combinations they could make the rate of wages higher in one part of the country than in another. It was impossible to dispute that a great deal of distress had been occasioned by the substitution of the use of machinery for the hand-looms. This, no doubt, had led to a reduction of wages, and to great distress. But it was impossible to obviate this. If we intended to compete with other nations, we were bound to introduce all sorts of improvements in our machinery. If we endeavoured to prevent anything of the sort, we should soon ruin our manufacture. He saw no remedy for this evil. If we were to adopt a system of prohibition, and to raise the duty on foreign silk, the result would inevitably be injurious, and the general interests of the country would suffer. Even if it would benefit the one class, which however, he denied, it was too much that the country at large should suffer. He did not doubt, merely, whether increase of duty on thrown silk would benefit the weaver, he was convinced that it would be most injurious to him. With regard to agreeing to a Report, he should have been happy if the Committee had had time to have done so; and certainly much of the benefit of the inquiry would be lost in consequence of not making a Report; but they had not time to enable them to do so in a satisfactory manner. There was almost a direct opposition of views in the Committee. Witnesses, who took a completely different view of the subject, were examined, and it would have taken a great deal of time and discussion before the Committee could have agreed in a Report. He had supported inquiry, because he had been in hopes that all parties would have been satisfied; and he was only sorry that the result had not fulfilled his expectation.

Mr. Alderman *Venables* said, this petition was not from the silk-throwsters, but from the weavers. They did not pray for prohibition, but they merely prayed for such a protecting duty as would enable them to carry on their manufacture. He would only add, that organzine did not form one-tenth part of the silk used.

Mr. Alderman *Waithman* held in his hand a petition from the silk-weavers, complaining that the Committee did not report, and expressing their regret at the manner in which the investigation was carried on. This was a very favourable opportunity for him to express his opinion upon the subject; and he would, therefore, avail himself of it. The hon. Member who just addressed the House, stated that he was greatly surprised that so much dissatisfaction prevailed in this trade at the proceedings of the Committee; but a very satisfactory reason could be assigned for this dissatisfaction. He held in his hand two declarations protesting against the manner in which the Committee was appointed—the one from the Committee of weavers, and the other from the Committee of silk-throwsters, in which they declared that they knew from the manner in which the Committee was appointed, what would be the result of its labours. The Committee of silk-manufacturers never acted as a Committee in this investigation; they considered, from the names of the majority of the Committee, that there was a determination, on the part of the Government, not to relieve them, but to use every exertion to support the present system, erroneously called a free-trade. But even in this investigation it had been proved, beyond doubt, that the assertion of the right hon. Member for the Board of Trade, that there was less distress at present, in this trade, than at former periods, was entirely unfounded. It had been demonstrated that there never was so much distress as at the present time. The Committee was constituted in the most improper manner. Thirteen of the Members of it were decided advocates of free-trade, and, among the other seven, not more than one or two entertained opinions of an opposite nature. The Committee would have remained in this state had not an hon. Baronet requested that his (Mr. Alderman Waithman's) name, instead of his own, might be substituted, as he could not attend. There was another alteration of a similar kind, but this was not done with the consent of the right hon. Gentleman, but by the distinct vote of the House. The silk manufacturers at once saw, from the constitution of the Committee, that there was a determination not to give them relief. The object of the right hon. Gentleman had been all along to get the duty taken off thrown silk. When a proposition of this sort was before the House in 1829, he said that it would not give relief to reduce the price from *5s. 6d.* to *3s. 6d.* The manufacturers then said, that they did not want a relief of that sort, as allowing this drawback would not benefit them. The fact had turned out that this had done no good; a tax had been laid upon the public, and 83,000*l.* had been expended in this way, every shilling of which had got into the pockets of two or three persons at Manchester. This had been confirmed by Mr. Hume of the Custom-house, and indeed by persons from Manchester, for the latter admitted that if the 83,000*l.* had not got into their pockets, they would not have been able to have exported any silk. A few individuals might have benefited by it, but the great body of the manufacturers had suffered. The greatest distress prevailed in this branch of the trade a Manchester, Stockport, Coventry, Spitalfields, Foleshill, and all other places where the manufacture was carried on: there had been the greatest depression of profits, and wages had been reduced so low that the workmen were hardly able to procure the most common necessaries of life, or food enough to sustain existence. From a decent and respectable body of workmen they had become a squalid and miserable race. It was proper that the people of England should know how this Committee was established. Many of the Members paid little attention to the subject, but had made up their minds before they entered into the investigation, and were prepared to vote on all occasions with the right hon. Gentleman. There was a majority of nine to six whenever he divided. After having sat for four months, they had got an immense quantity of documentary evidence; examined witness after witness till they had got upwards of 800 pages of evidence, all the main facts contained in which were known long before. The granting this Committee was a very convenient way of getting rid of the business, at least for this Session of Parliament. The right hon. Gentleman knew full well that the decision of the Committee would on all occasions be with him. If the Committee had been fairly appointed, no man would have believed it possible that he could have carried such propositions as he did. The chief examiner was, on most occasions, the hon. member for Middlesex, who did not endeavour to elicit great and important facts, but went into the most trifling details, in no way connected with the subject. The hon. Gentleman exercised his ingenuity in putting a variety of the most foolish questions, merely, perhaps, with a view to exhibit his talents at cross-examination. Of 164 questions put to Mr. John Poole, 104 were put by the hon. member for Middlesex, the greater portion of which had nothing to do with the silk-trade, but related to the rates of wages, to persons going to bar-rooms and public-houses, and to all other things. Indeed, the greater portion of the time of the Committee was occupied in putting unnecessary questions. They had had petitions from every place where the silk manufacture was carried on, complaining of distress. What chance had England to compete with France in the production of articles of this nature—labour there was cheaper, and the raw material could be procured at a lower rate, and with greater facility. It was stated, indeed, by Dr. Bowring, that the French manufacture could not compete with the English manufacture, not only in the foreign market, but in France, in most articles. This great doctor was under examination for several days, and he admitted that he knew nothing of the silk-trade here. The learned doctor gave the most positive and direct evidence on those points with which it was obvious he could not be acquainted, and of those matters with which he ought to have been familiar, to fit him for the office he was appointed to, he was utterly ignorant. He stated that France took from us an equal quantity of goods for those which we sent there. Now, this was directly contrary to the fact, for it was well known that the greater part of what we purchased from them was paid for in bullion. He made this assertion, but every return, both English and French, showed otherwise. Indeed, he made many assertions, and some of them of such a nature that he (Mr. Alderman Waithman) held up his hands with astonishment, and at last, he could listen no longer, for he found that he could not place any confidence in the assertions of this great and learned doctor. He said that large quantities of our manufactured goods were imported into France; but when he was asked to specify, he mentioned the article of cotton-twist, which, indeed, could hardly be called a manufactured article, and certainly the export of it could be attended with little advantage to this country. The French evidently laughed in their sleeve at the learned doctor, when he was collecting his information. He stated that the capitalists engaged in the silk manufacture in France altogether got twenty-five per cent profit. But not only the manufacturer, but the dye-merchant, and the loom-maker and repairer, must have a profit; and how could he tell the precise profit gained by each of them? He told the Committee, that all the suffering now experienced by the manufacturer was for the general good, and that trade instanced no loss: how he endeavoured to prove this, he (Mr. Alderman Waithman) would not attempt to describe. The learned doctor thought that the French nation were a most glorious people, and he said all manner of good of them, but they had evidently imposed upon him in the information they communicated. The opinions of Dr. Bowring and the hon. member for Middlesex were to be taken in spite of all the authority of the persons engaged in the trade, who, it might be presumed, were best able to form a correct opinion on the subject. The learned doctor got all the information which he communicated from the French people, whom he believed to be the most candid people on earth, but they had, nevertheless, succeeded in imposing on his credulity. Without being aware of it, he all along proved facts which told against him. He said you can buy silk goods in London at fifteen per cent cheaper than you can at Paris, but then he made no allusion to the fact, that the English people would not have the produce of their own country, when they could get French goods even at this additional price. Dr. Bowring also said, that there had been a greater improvement in the English silks since 1826 than there was in the previous fifty years, and that the French silk-manufacturers were completely frightened at the advance we had made, and that they were most anxious that we should adopt a system of prohibition. The noble Lord opposite asked Dr. Bowring whether the fact, that formerly 4,000 looms were at work in Spitalfields, and that now only 300 were employed there, was a proof of improvement. This case the learned doctor could not admit. No doubt the Government paid him well for travelling in France for them, and for collecting information just of a nature to suit their views; but the truth was, this witness knew nothing whatever of what he was talking. When he was shown two pieces of silk, and was asked to point out which was French, and which was English manufacture, he said, "Oh, I know nothing about that;" and yet he was sent to France by the Government to collect information. This reminded him of the lines in the old song—

> "Johnny Bull he went to France,—
> There he learnt to caper and prance,
> And a finish'd goose came over."

The learned doctor knew nothing of the manufactures of his own country, and yet he made the most positive assertions. Of course, they were bound to believe all that the learned doctor asserted from his own knowledge, but he admitted that he knew nothing of the manufactures at home, and that he would not pledge himself to the documents. If any hon. Member wished to get at the real facts of the case, he must refer to the evidence of those men who had had practical experience on the subject, and who were acquainted with the trade in all its branches. The hon. member for Middlesex and the Vice-President of the Board of Trade said, that the case was not proved that the distress experienced in the silk trade was occasioned by the competition of the French manufacturer. But to him it appeared most cruel to sacrifice the interests of such an important branch of our manufacturers, for the sake of supporting a speculative opinion. There were no less than four millions of capital embarked in that trade—hundreds of thousands of persons had to depend on it as the means of subsistence—thousands were now thrown out of employ, and became chargeable to the parish, or the men were driven to commit acts of depredation, and the women to become prostitutes. If the competition in the home market was palpably ruinous, what could be expected to be the case in Germany or America, or any other foreign market? It was nonsense to suppose that we could compete with the French manufacturer in these countries, unless we were prepared to give our goods away, and to meet with ruin. There was another witness who supported the views of the right hon. Gentleman, and the hon. Member for Middlesex, and he admitted that wages were reduced twenty per cent, and that thousands of persons were out of employ, and that the women and children were almost in a state of starvation, and that the manufacturer got little or no profit, and yet he contended that the present system was most excellent. They were told by one of the witnesses—a partner in the house of the hon. member for Ipswich, that their trade had increased by some hundreds of thousands, since the importation of French silks; but the same witness, also stated, that whereas formerly they used to deal with a hundred houses in Spitalfields, they now did business with only sixty; from which it appeared, that out of this hundred, forty had been destroyed; and they too were the smaller houses of business; in fact there was no witness before the Committee who made out a stronger case for the weavers than this gentleman did. A buyer from Coventry also told them, that all the smaller houses had been swept away; and Mr. Heath, one of the first manufacturers in London, gave evidence to the same effect. He himself had known the trade since he was seventeen years old; and he could not now walk along the streets without observing the fearful distress to which that trade was reduced. To be sure, some few in it succeeded; one hon. Gentleman he knew of, who had amassed half a million. He did not blame him for that, but he blamed him because he would not see the distress of those poor creatures, from whose blood and bones, as it were, he had amassed his treasure. He could scarcely help despairing, knowing as he did, that the House would not be at the pains of reading the mass of evidence that was laid before the Committee; and therefore, if the Government would not attend to the subject, he feared that nothing whatever would be done. He should be a free trader, if we could have free trade; but we had it not; and therefore we were only giving an advantage to other countries at the expense of our own labourers. When he had last addressed the House on this subject, he had read to it an extract from Dr. Brewster. He was extremely sorry that that extract was not published in the newspapers, because the name of Dr. Brewster stood deservedly high, and the article in question clearly exposed the false doctrine of these theoretical "free traders;" and even now he could not abstain from expressing a wish, that hon. Gentlemen would turn to this essay, and give it their perusal. He felt indignant at the conduct of the Committee: it really seemed as if an attempt was making to defeat the House by delay; but his indignation was nothing compared to the indignation which that portion of the community which was suffering through the behaviour of the Committee, must feel.

Mr. *Poulett Thomson* said, the House might be assured that he did not rise for the purpose of going into the question. It was most inconvenient to discuss a subject of this kind on the presenting of a petition. He should not trouble the House with the refutation of the general common-places which the worthy Alderman had so frequently advanced before, but he would leave the House to judge of the good taste of the attack made by the worthy Alderman, not upon himself, for he did not complain of it, but upon a member of the Committee who was not present to defend himself, and upon one of the witnesses. It was a most unusual proceeding, and an injustice to the subject to comment upon evidence with which it was impossible that Members could be yet acquainted: he, therefore, would have contented himself with entering his protest against this important question being brought under discussion in this inconvenient manner, but for the accusations which had been thrown out against the Committee, for not having conducted itself in a manner becoming the important subject which it had met to consider. The hon. Alderman had made insinuations against the Committee, though he had not made any positive charge. Should, however, the worthy Alderman think proper to bring forward such a charge at any future period, he would find that there were members of that Committee prepared to defend the line of conduct that had been pursued. At the present moment, however, he was alluding more particularly to a statement, not made in that House, but which had appeared in a public print, and which was announced as emanating from one connected with the silk trade. He treated the charge there made, as far as regarded himself personally, with the most perfect contempt: and, indeed, he would not have condescended to have noticed it, had not an attempt at the same time been made to implicate the Committee in the same charge. To say that the Report of the Committee was got rid of by a manœuvre of any sort or kind, was not only false, but at the same time absolutely absurd and ridiculous. Indeed, on this point, he might appeal to every Member of the Committee, except, perhaps, the worthy Alderman, and he would take on himself to say, that that appeal would end in his statement being entirely corroborated. The fact was, that he, and those members of the Committee, who were of the same way of thinking as himself, had advised that there should be a Report; but when they found that Members could not be brought to remain to consider the Report, then they certainly did object to lay more Resolutions, which did not enter into details, before the House; and he himself had stated that, in his opinion, there were but two courses for the Committee to follow—the one, to report the evidence alone to the House; and the other, to make a full and ample report on the whole of the subject. The worthy Alderman had also thought fit to apply terms not very measured in their language to one of the witnesses personally, and to the evidence likewise which that witness gave before the Committee. With respect to the evidence, he (Mr. Thomson) would allow that to speak for itself; and he should be very much astonished if every gentleman who read it was not struck with the clearness of the views and the soundness of the knowledge which it contained. He would appeal to the members of the Committee, whether the whole of the evidence of Dr. Bowring did not appear to have been drawn with the greatest pains from official sources, so as, if not to carry conviction home to the minds of all, at least to leave a most favourable impression of that gentleman's industry and talents. The worthy Alderman had thought proper to say, that Dr. Bowring had given evidence on subjects about which he knew nothing, while he gave no testimony on those subjects with which he was really acquainted. But the fact was, that that gentleman had only been examined on such information as he had been able to collect; he had taken care to state whence that information had been collected, and had then told the Committee, as in duty bound: "I will not be answerable for this information; all that I can do is to give you my authorities;" besides which, it was right to mention, that when Dr. Bowring had been asked his own opinion of the silk trade in this country, his answer specifically was, that he had not been directed to turn his attention to that part of the subject.

Mr. *Robinson* said, that when he observed the mass of evidence that had been laid on the Table, and considered that no Report had been made upon the subject, he could not help thinking that that omission was occasioned by the right hon. Gentleman opposite not being able to procure a Report conformable to his own opinion.

Mr. *Poulett Thomson:* I was most anxious that there should be a Report, and as a proof of it, I have only to state, that when the hon. Member for Ross-shire wished to adjourn the Committee, fearing that we could not get through the evidence, I opposed the Motion, in the hope that when the evidence was gone through, a Report would be founded on it.

Mr. *Robinson* said, it was unfortunate that the Report had not been made. Gentlemen generally looked at the Report, and not at the evidence; and he feared that the great mass of useful evidence taken on this occasion would be lost. His impression of that Committee certainly was, that it had not been granted on the part of the Government for the purpose of enabling the House, by means of the evidence, to legislate for the advantage of the manufacturers and of the public at large; but that it had been granted in the hopes of the testimony being such as to bear out the well-known theoretical views of the Ministry on the subject of free trade. This being the case, he really thought that it was useless to discuss the matter further. No converts had been made—no converts would be made—the Government had always contended that they were right, and they still contended the same thing. They had, however, shifted their ground materially; for formerly their arguments had been, that they were right in theory, but now, after ten years' experience had shown them that the trade and commerce of the country had got worse than ever, the effect of the observations of the hon. member for Middlesex, the great upholder of the visionary free trade system, was "You may go into the workhouse, if you can't find employment; but I see nothing in your misery to induce me to give up my fancy." He did not mean by this to say that the hon. member for Middlesex had less sympathy or commiseration for the sufferings of the manufacturers than he himself had; but he only made use of the illustration for the purpose of pointing out how obstinately these theorists were wedded to their hobby in spite of all practical experience and actual inquiry into the facts of the case. But the misery which the hon. Member could not deny, certainly was not creditable to any country or government. It was the first care of all other countries to provide adequate employment for its native labouring population. This country alone seemed to disregard that principle of self-preservation. France was reputed a liberal nation; in politics it was well known it was so. But, speaking in a commercial sense, never was a disposition less disposed to liberality or reciprocity evinced by any people. It was the same with America; both those countries looked to themselves. However superior we might be to the Americans in literary qualifications and in the fine arts, in commercial legislation, they far exceeded us. He was sorry to detain the House upon this subject, but he felt strongly upon it, as one in which were involved the comfort, the prosperity, and even the existence of the manufacturing classes. Compared with the interests of those classes, what were all the improvements of Regent-street and the Strand, which were pointed to as indications of national prosperity? While such indications were daily forcing themselves upon the observation, the prisons and penitentiaries of the country were silently increasing in number; paupers and poor-rates were outgrowing the accumulated wealth of the country; crime and poverty were augmenting in a fearful ratio. He would not distress the House by marking all the features of this picture, which could only have the effect of harrowing the feelings of those who looked upon it. The Government, he was afraid, did not see all these signs of the times. Their information was drawn from such sources as the Report of Dr. Bowring, who, prejudiced in favour of a certain class of opinions, was sent to France to gather evidence of the correctness of those opinions. He did not doubt the talents of that gentleman, but his experience and efficiency for that particular office he did doubt. Any person going upon such an excursion would, no doubt, be delighted with all he met. He would meet with persons who would agree to all his abstract propositions. But it should be borne in mind, that the mass of persons engaged in the occupations to which his propositions referred, were governed more by their own opinions than by the authority of their superiors. They were stupid, ignorant, and perfectly unacquainted with their own interests, according to those who wished to inspire them with different sentiments. At all events they could not be induced to alter their course. And what had the government of France done in the way of concession to these new principles? A noble Lord opposite seemed to intimate that the conduct of France had nothing to do with this question. He begged leave to come to issue with him. It had much to do with it; for that greatest of all men upon this subject, Mr. Huskisson, had distinctly declared in that House, that one great inducement to make the alterations which he proposed and vindicated was the hope of getting France to make corresponding concessions. The conduct of France, therefore, had a great deal to do with the question. Matters of this description were to be decided by the sober-minded and deliberate opinions of the community at large, not by the doctrines of a few; and, readily as the talents of the right hon. Gentleman opposite (Mr. Poulett Thomson) were ackowledged by the country, he could tell him, that a want of deliberation and practical experience was his reputed deficiency amongst the commercial portion of the community. With respect to France and her liberal conduct towards this country, he understood that nests of smugglers were harboured and encouraged in certain ports on the opposite side of the Channel, having exclusive privileges there, and being recognized as smugglers by occupation. He had good information as to the fact, and had no doubt it was as he had stated. The object of France, he was persuaded, was to shut out the manufactures of this country altogether. In his opinion the interests of the manufacturers, as a class in whom resided the strength and power of the country, ought to be better attended to than they were. If the labouring classes were starving, what signified how cheap the manufactured article could be bought? This great question had not as yet been fully, or fairly, or impartially discussed in that House. It would be the duty of the Government, into whatever hands it should fall next year, to look carefully through the evidence themselves, and to come down to Parliament with some proposal for the relief of this branch of industry, and a laborious, long suffering, and patient people; and, if not able to propose some plan of relief for the trade itself, to give some relief to the sufferers.

Viscount *Palmerston* suggested, as the evidence was not yet printed, that it would be better to abstain from all discussion till the subject was brought properly under the notice of the House. He could not believe that any government, with which we were on such good terms as we were with the French government, would countenance any particular body of men in carrying on a contraband trade with, and violating the laws of this country. He must say, that the governments of France and of America, as well as of other countries, were animated by the same liberal spirit as our Government; but they were prevented, as the Government of this country had been sometimes prevented, from acting on those liberal views, by the prejudices of their subjects. But if those governments could not act on the true principles of trade, that was no reason why we should not, when it was proved that they were advantageous to us. What were called protecting duties were, in fact, disturbing duties. They impeded the employment of capital, they checked industry, and stopped the progress of wealth. It was for the interest of the country to cast off the fetters with which ignorance had bound it. It was monstrous to suppose that commerce could be all on one side, or that nations could sell without buying. By repealing what were called protecting duties, and acting on liberal principles, we should compel other nations to follow our example. The true encouragers, both of smuggling and prohibition in other countries, were the friends of protecting duties at home. He thought the discussion premature; but he felt himself obliged to say these few words, in opposition to some of the remarks of the hon. member for Worcester.

Mr. *Sadler* said, he would follow the invitation rather than the example of the noble Lord, although he felt deeply upon this subject; and had there been a better opportunity than that which the presentation of a petition fairly afforded him, he would certainly have delivered his sentiments fully. He had been nominated for the Committee to which allusion had been made; but his name was struck out, probably because it was supposed that he had an undue bias towards the encouragement of native industry, and was one who thought that trade ought to have protection. They had been told, that when the protection was done away with, trade flourished. From that assertion he appealed to the living contradiction of hundreds and thousands of depressed artisans and labourers, reduced to a state of pauperism and starvation. He might be told that these suffering individuals were prejudiced. It was the grasp of poverty that taught them, in language much more convincing than that of false theorists, to condemn principles which had such disastrous results. If it were true that those nations did the best in commerce, which were subjected to the least regulation, what occasion could there be for Boards of Trade with Presidents to them in this country? By their own reasoning, they were useless. If the Government wanted our people to enter into competition with foreigners, it ought to reduce the burthens of our people to a level with those the foreigners had to bear. As a part of that reduction, he would say, at once get rid of the Board of Trade. It was with great difficulty he could restrain himself from entering more at length upon this important and interesting topic. What little he did say he meant to be more in the nature of an apology for touching so lightly upon it than any thing else. He supported the petition as one, the prayer of which ought to open the ears of those in power to the sufferings of a large and deserving portion of the population, in a state of the deepest distress.

Mr. *Stewart Mackenzie* would confine the few observations he intended to make, to removing the imputation, that the Committee had been guilty of an intentional deceit or fraud upon the silk-trade of this country, by not presenting a Report. He sat for nearly four months, patiently and assiduously, as a member of that Committee, and to such a charge as that of the worthy Alderman he must give a flat and distinct denial. Every one of those hon. Gentlemen who composed that Committee, would bear him out in the assertion—that nothing but the late period of the Session, and the great length of the evidence, prevented a full Report from being made. Within three days of the Committee closing its labours, he moved to report the evidence to the House, feeling that a full and circumstantial Report, such as the extensive and complicated interests involved in that evidence demanded, could not, at this late period of the Session, be satisfactorily made in the absence of the noble Chairman and several other members of the Committee. This motion was then negatived, with the intention of framing Resolutions on which to found a Report; and though his motion had, on reflection, been subsequently adopted, he could not allow the worthy Alderman to send forth to the public so unfounded an imputation as that the Committee were acting with a view to delude those interested in the silk-trade, by not undertaking to draw up a Report upon the evidence. His right hon. friend, the President of the Board of Trade, had sufficiently refuted the very unfounded attack of the same worthy Alderman on the character of the evidence of one very important witness, and his testimony should not be wanting to confirm all that right hon. Gentleman had so truly said of the value and distinctness, of the extent of research and patient inquiry into the French silk manufacture, from the growth and produce of the raw material to their richest fabrics, which Dr. Bowring's evidence had laid before the Committee; nor was it befitting in him, after his promise at rising, to enter into any part of that mass of evidence that would so soon be in the hands of hon. Members. Thus much he would only add, in justice to the petitions now presented from the manufacturers and operatives, so respectably and so numerously signed as they were, that the Committee had been most anxious to receive all evidence and information upon this very important branch of our domestic manufacture, that they had received a great mass of very valuable materials — that they were desirous to have reported their opinions to that House—and that, from the circumstances alone to which he had already alluded, and which were known to every member of the Committee, they relinquished their intention with reluctance and regret. He had become a member of the Committee unconnected altogether with any place or person interested in this trade. He had been most willing to have lent his best assistance to draw up a full Report, which would have shown that the distress, though severe, was perhaps only temporary, and would pass away; but, that the interests of this manufacture, in all its complicated bearings, would require very mature consideration, if it were contemplated to introduce important and extensive alterations of the present laws, which regulated its operations, he was not disposed to deny. It might be equally true, that these laws required early revision from a new Parliament; and should the revival of the Committee be hereafter resolved upon, the patient suffering of the operatives and weavers would command the early and serious attention of the Legislature. But none of these considerations, surely, could justify the worthy Alderman's uncalled-for attack upon the fairness and good faith of either the Committee or of the witnesses; and, to say the least of such imputations, they were unjustifiable on the hon. Member's part, more especially as he knew that those who were suffering from distress and privation, could, if affected at all, be only roused to additional dissatisfaction with the present condition of a trade with which it was most difficult and dangerous rashly to interfere—and which distress no Report could immediately alleviate—none altogether remove. It was but justice to the House, to the Petitioners, and to the Committee, to state this opinion thus fairly and distinctly.

Mr. Alderman *Venables*, in moving that this Petition be printed, could not help regretting that the right hon. Gentleman occupied so much of his speech in correcting the observations of others, instead of turning his attention to the Petition of those who were entitled to the greatest commiseration; for he was sure that the right hon. Gentleman must be aware that the distress in the country was so extensive as to require the greatest tenderness on the part of the Government; and, indeed, it was an extraordinary fact, that, even in point of quantity, the consumption of silk was not so large, from 1826 to 1831 inclusive, as in the years 1824 and 1825. He was willing to go as far as he safely could in the principles of free trade; but he could not forget that the state of society in the country was so complicated as to require the greatest care in the application of the principle, however just it might be in theory.

Lord *Dudley Stuart* begged leave to trespass for a few minutes on the time of the House, in consequence of some observations that had been made in the course of the debate. It would be well if the hon. member for Middlesex, who was the great upholder of the free-trade system in that House, would condescend to gain a little practical knowledge before he insisted on their adopting his speculative theories. He had spoken, for instance, of thrown silk being the raw material, when the fact was, it was no more the raw material than cotton twist. Whilst he was upon the subject of thrown silk, he begged to say that he entirely differed from the opinion of the hon. member for Middlesex—that taking off the duty on thrown silk would be of advantage to the weaver. What was for the disadvantage of the one could not be for the advantage of the other. Besides, they ought to consider that the throwster had considerable claims upon the country. Where a manufacturer had 1,000*l.* or 2,000*l.* embarked in his business, the throwster had 15,000*l.* to 20,000*l.* embarked in his. This circumstance must give the throwster a considerable claim upon the Legislature, even if he had a different interest from that of the weaver, which he had not. Then, with respect to the question of smuggling, it was clear, from Dr. Bowring's own statement, as well as from all the other evidence, that, so far from diminishing, it had of late considerably increased; and, in point of fact, the smuggler now made as large, if not larger importations from France, than the regular trader. The noble Lord, the Secretary of State for Foreign Affairs, not then in his place, had talked of protecting duties being disturbing duties; but he should like to know who it was that disturbed trade in 1826? The prayer of all the Petitions then presented was, to let well alone; but they would not do so, and persevered in pursuing these disturbing measures. Even now, after the experience Government had had of the system—after the falsification of all the prophecies about our being convinced by the practice, that the theory was good—after the proof that had been given that Parliament did not know better than the silk-trade itself what was good for it—the system was still persevered in! The hon. member for Middlesex talked of the bonds which shackled trade being loosened, and of trade, in consequence, taking such a spring as in six months to double the value of labour. The hon. Member prophesied that the interests of trade would be greatly advanced and the value of labour wonderfully increased; instead of which, trade had never been so bad as it now was, and so much distress never prevailed amongst the labouring classes. He trusted that, after all the experiments that had been made—after the full trial that had been given to the system, they should no longer persevere in it.

Petition to be printed.

POLAND — RUSSIAN-DUTCH LOAN.] Colonel *Evans* rose, for the purpose of bringing forward the Motion of which he had given notice, on the subject of the infraction, by Russia, of the Treaty of Vienna, with respect to Poland. The condition of that country, and the atrocities which had been committed towards that unhappy nation, had been so ably discussed, and so amply set forth, on the occasion when a formal motion was brought forward by the hon. member for Kircudbright, that he should have contented himself with merely moving, on the present occasion, the Resolution which he had prepared, had he not become possessed of information of some importance, which, at the period to which he referred, had not transpired. He should, therefore, trouble the House with a few observations relative to the necessity which existed for the House to assert the rights of the country to call upon Russia to abide by the articles of the Treaty of Vienna, and also endeavour to show, by means of the additional knowledge of the conduct of Russia, with respect to the conquered Poles, which he had become possessed of, that she had broken every stipulation which had been made on behalf of that nation. The House would hold it in recollection, that, at the recent period when the Russian-Dutch Loan was discussed, his Motion, couched in still stronger language than the present one, was the next in succession, and at the request of a noble Lord opposite, he had refrained from bringing it forward then, consenting to postpone it to some subsequent night. Since that time his attention had been directed to the circumstances connected with the ukase which had been issued by Russia relative to the Poles. A right hon. Baronet (Sir Robert Peel), whom he did not see in his place, had taken certain exceptions to the accusations which were brought against the emperor of Russia, charging him with cruelty and perfidy to those Poles who had submitted to him, and with having broken all the conditions of their capitulation. The right hon. Baronet stated, on the occasion to which he referred, that it was unjust and unbecoming conduct in Members of that House to use such language as had been uttered respecting the acts of the emperor of Russia, whilst there was yet no proof of his having acted in such a manner as even to justify the slightest of the charges against him. Those charges, however, were now confirmed by information and documents which had since arrived from that portion of Poland which was under the subjugation of the emperor of Austria; and whereby it was proved that the conquered Poles had been forced to enter the Russian army, in direct breach of the articles of capitulation. It appeared that Galicia (Austrian Poland) had conceived, from the first moment of the struggle, an ardent wish for the success of their countrymen, and this desire was encouraged by the Governor of that province, who was himself a Pole. So strongly was this feeling manifested by the Galicians, that Austria, rather than hazard a revolt of the whole province, consented that those Poles who were under her dominion, who chose to take part in the struggle with Russia should do so, without incurring the displeasure of the Austrian Government. This liberty was embraced by many; and when their efforts had proved unsuccessful, they returned to Galicia; when, so strong was the sympathy which they excited amongst their countrymen in favour of the unhappy and conquered Poles, that the Diet of Galicia was induced to exert its right of petitioning the emperor of Austria to prevent further cruelties being inflicted by the emperor of Russia on their conquered fellow-countrymen. This right which the Diet possessed of addressing the emperor was modified by the circumstance that the Governor of that province possessed the discretionary power of presenting the petition, or of suppressing it, in case he saw fit; but the facts of this particular petition simply were, that no less than 300 Members of the Diet had assented to this petition, and had presented it to their Governor, for it to be submitted to the emperor. He did not know whether that address had been transmitted to the emperor or not, but this he did know, that it was an authentic document—that it was signed by the principal persons in Galicia, resident on the frontiers of Poland, and who must be considered good authorities as to what had recently taken place in Poland, and it was a remarkable fact, that it corroborated all the satements which had been made in a former debate in that House, with regard to the atrocious conduct of Russia towards Poland. The document itself was so important, that he would beg leave to read such extracts as seemed to support the statement made by the hon. and learned member for Kircudbright, with respect to the tyrannical and cruel treatment experienced by the conquered Poles. The state of Galicia, after thanking the emperor of Austria for his conduct, proceeded thus:—'Let it 'now bring us, Sire, to the foot of your 'throne, that we may convey to the bosom 'of the august father of his people the 'profound grief we feel on witnessing the 'misfortunes and unheard-of persecutions 'of our brethren. You have deigned, 'Sire, to afford an asylum to those of our 'countrymen who sought refuge in this 'province; you have felt pity for their 'sufferings; your intercession with the 'emperor of Russia in their behalf obtained for them a full amnesty. Promises of peace and forgiveness were sent 'to them. Proclaimed by your Commissioners, these promises were believed by 'the unfortunate refugees. But they had 'scarcely begun to regain their devastated 'homes, and collect their dispersed families; a special deputation had scarcely 'carried to St. Petersburgh thanks extorted by terror; when a ukase, dated 'the 1st May, was suddenly issued, compelling all those who were pardoned to 'enter the Russian military service—if 'the name of service can be given to an 'exile worse than death. Led during 'fifteen years in the Steppes of Asia—'confounded in Siberia, in the ranks of a 'barbarous soldiery—separated from all 'that can attach them to life—exposed to 'the most humiliating punishments—these 'unhappy men will never again see their 'country, nor even Europe! The groans 'of our expiring brethren will be lost 'among the rocks of the Caucasus and in 'the deserts of Tartary—groans of despair, 'at witnessing your Majesty's humane 'intentions and generous wishes so cruelly 'disappointed. But it is not enough that, 'under pretext of crime, there has been 'torn from some, more than death itself 'could rob them of; that they are deprived 'of their names, and numbered as cattle, 'that their heads are shaved, and that 'they are chained to long iron bars, in 'order to be conducted to the pestiferous 'mines of Siberia, or to people the icy 'regions of Kamschatka; it is not enough 'that, in contempt of the amnesty granted '—in contempt of the solemn promises 'formerly given to the Poles, that they 'should never be removed beyond the 'frontiers of Europe—they were shamefully transported in whole masses into 'Asia, under the pretext of Russian military service—it is not enough, that a 'complete annihilation awaits the whole 'of the present race;—an implacable spirit 'of vengeance, exercised even against the 'youngest of the rising generation, aims 'at the total extermination of the future 'race! Infants, requiring all the tender 'care of their mothers, are, under a pretended solicitude, torn from their arms; 'and children are removed from the different benevolent institutions, and carried away far towards the north, there to 'be brought up in a new language, and 'under a foreign religion and foreign customs! Human nature recoils at these 'details, which have been proved by incontestible evidence. Mothers, too, 'driven to desperation by the atrocities 'they have witnessed, have been seen to 'plunge poniards into the bosoms of their 'own children! In short, in the old 'Polish provinces of Russia, when families 'attainted, in some instances for three 'successive generations, have wished, 'raising their eyes half-closed by grief, to 'seek for religious consolation at the foot 'of the altar, the approach to the sacred 'temple was forbidden; the churches 'were closed, and the pastors loaded with 'outrage, or condemned to enter the army 'as common soldiers! The union of the 'two churches—that fruit of several centuries of Christian concord—was violently broken; a great number of the 'churches of the united Greek ritual were 'appropriated to the Catholic worship—'the schools were suppressed—the national language and customs overturned '—and the most violent measures employed in order to transplant one half of 'the nation to another part of the world; 'whilst, on the other half, a foreign language, customs, and religion were imposed, in the hope of thus forming, by 'violence and oppression, a population 'homogeneous with that of Russia! Such 'atrocities have not only deterred those 'who had not yet quitted our country 'from the idea of ever returning to their 'homes, but we daily witness the return 'of numbers of those who, misled by a 'fallacious amnesty, have avoided its terrible effects by escaping in a state of 'complete destitution.' That went far to prove the truth of what had been asserted with reference to the monstrous conduct of Russia. He then proceeded to say, that it was quite true, as had been eloquently said by an hon. and learned friend of his, the member for Louth (Mr. Sheil) in a former debate on the Russo-Dutch Loan, that "there was a time when we might have interfered—when an Admiral in the Baltic might have interceded with more eloquence than a Minister at St. Petersburgh," and that, now that Poland had perished, we could not avail ourselves of her misery, "to make an entry of her wrongs in our fiscal ledger, to convert them into items of sordid calculation, and to balance the account with Poland's best and noblest blood." All that was quite true, but it was equally true, that if the strong language employed in the course of that debate by several hon. Members had been employed only one year ago, the effect might have been to have saved Poland, at least, from the depths of misery and desolation to which the tyranny of her barbarous oppressor had now reduced her. He wished to remind the House, that the Convention of 1815, on the faith of which the payment of the Russian Dutch Loan was continued to Russia, was inseparably connected with the whole of the general treaties between the Allied Powers in 1814 and 1815; and that one of the stipulations of those treaties was the preservation of the national independence of Poland. He begged to ask what had been the conduct of Russia ever since 1815? Had it been that of a civil and faithful ally towards this country, or had it not been directly the reverse? Immediately after Napoleon had been put down, Russia at once declared that her armies should retain possession of Poland, and should not give it up until she had re-established her power there, and her doing so at the moment that the general treaty was under consideration was, as the noble Lord opposite knew, almost the cause of the breaking out of a new war on that occasion. The subsequent conduct of Russia had been one series of unjustifiable aggressions on other nations—of territorial aggrandizement, and of violations of national law and national faith. The first case was that of the war with Persia, where, after having threatened the capital of that empire, the Shah was glad to purchase peace at the cost of some of the provinces on the borders of the Caspian Sea. The next war was with the same Power, and terminated in a similar way. Turkey was the next Power who was destined to suffer from her rapacious and quarrelsome neighbour; and the unprovoked war which ensued ended, as had all the preceding, in fresh territorial acquisitions on the part of Russia. Not contented, however, with interfering in the northern and eastern kingdoms of Europe and Asia, Russia must come into the Mediterranean, and, by means of her counsels and influence, prevent the formation of constitutional Governments in Italy. Russia, it was well known, was the principal moving Power in preventing the establishment of constitutional Governments in Naples, Piedmont, and the other States of Italy in 1823; and it was equally well known, that it was principally owing to the influence of Russia that France sent that unjustifiable expedition which she despatched into Spain. Next came the case of Poland, and it was not necessary for him to dwell upon the atrocious conduct of Russia in that instance. The truth was, that the conduct of Russia ever since the peace of 1815 had been one series of aggressions on Powers with whom we were united by treaties and the bonds of amity and good faith. The object of his Motion was to give support and strength to those negotiations which he knew were at present being carried on by one of our Cabinet Ministers with Russia, and, after those few observations, he should conclude by moving the Resolution of which he had given notice. The hon. Member then moved the following Resolution:—"That it is the opinion of this House, that, in conformity to the spirit, though contrary to the letter of a treaty, dated 19th May, 1815, his Majesty has agreed to renew certain obligations to the Emperor of Russia; that the said treaty and obligations were connected with, or arose out of, the general treaties between the Allied Powers of 1814 and 1815; that, therefore, in the opinion of this House, the Convention to the above effect affords his Majesty a special claim on the Power profiting by it, for a faithful interpretation of other engagements to which both Powers may have been contracting parties, and especially with regard to that concerning Poland."

Viscount *Palmerston* was not prepared to acquiesce in the Motion of the hon. Member, and he should therefore ask the House to agree to the previous question. He adopted that course, because, although there were many sentiments advanced by the hon. Member, the propriety of which, as abstract questions, it was impossible to deny, such perhaps as that the due performance of treaties on the part of England gave her an additional claim for the strict fulfilment of treaties on the part of other Powers; still there were reasons, in the particular case before the House, which did not, in his opinion, call for an affirmation of that principle, because the country had fulfilled its engagements with respect to the Russian-Dutch Loan. For this reason he should abstain from following the hon. Member through his reasoning on that subject, or from adverting to what had taken place in the former debates on the question of the loan. He could not, however, sit down without making one or two observations on the conduct which the hon. Member attributed to Russia in her negotiations, and in her contests with her neighbours or with the other powers of Europe. The hon. Member had particularly charged Russia with pursuing a continued system of aggression throughout the whole of her transactions with Persia and Turkey. Now, he happened to know that Russia had in neither of the cases mentioned by the hon. Member been in the slightest degree the aggressor. Persia had provoked a contest by a long series of aggressions, and Turkey had, in spite of all remonstrances, seized Russian subjects and Russian property, and evaded all demands for redress. If it had not been so, the Government of the Duke of Wellington would not have permitted either Persia or Turkey to fall unaided before the power of Russia; and although Turkey persisted, there was an understanding between Russia and her allies that she was not to take any accessions of territory in Europe in the event of a successful issue of the contest. He would not go into the questions raised by the hon. Member with respect to the supposed interference of Russia with Austria on the subject of Naples, nor with France in connection with Spain. The hon. Member could have nothing but surmise on which to found his opinions on these points, and he meant to confine himself purely to the facts. With respect to Poland, he could also say, without at all touching on the question of Russia having broken her faith to the Poles on the subject of a Constitution, that, in the late war, the Poles, not the Russians, were the aggressors, for they commenced the contest. Having said thus much, in justice to what he knew, with respect to the conduct of Russia on the points mentioned by the hon. Member, it did not appear to him necessary to add anything more. The noble Lord concluded by moving the previous question.

Sir *Charles Wetherell* agreed with the noble Lord on the propriety of meeting the Motion with the previous question. He deprecated the language so frequently used in that House when the conduct of the emperor of Russia was the subject of debate; whatever might be said of that conduct, it did not appear to him that Russia had been guilty of any breach of treaty.

Mr. *Hume* supported the Motion, and must say, notwithstanding the remarks of the noble Lord, that the whole conduct of Russia since 1816 had been marked by an unvarying spirit of aggression and duplicity. The noble Lord had given no answer to that part of the speech of the hon. member for Rye which touched on the non-fulfilment of the Treaty of Vienna on the subject of Poland. He hoped the noble Lord would give some reply to that. As to Persia, it was well known that it had been abandoned by Mr. Canning to its fate. The fact was, that Mr. Canning did not find it convenient for England to oppose Russia at that time: and it was well known to the Court of Directors, and to every one connected with India, that this was the case. He agreed most fully with what had been stated by the hon. member for Rye on the propriety of demanding a reciprocal fulfilment of treaties; and if the hon. member for Rye divided the House on the question, he would divide with him.

Lord *Robert Grosvenor* conceived that, though Russia had a right to put down, as a sovereign state, the insurrection that broke out in Poland, as part of her territories, she had no right to inflict severe and cruel punishment upon the Poles, after having induced them to submit by promises of forgiveness and mild treatment on returning to a sense of duty; or to make her success in quelling the insurrection a means of destroying the liberties and the name of the Polish nation. It was now, perhaps, late to advert to a subject which had occasioned so general an interest at the time; but he would, before he sat down, acquaint the House with the pleasing and gratifying fact that he had, within the last three days, received intelligence, by letter, from Poland, that, owing, as it was believed, to the notice which had been taken of the sad condition and unmerited misfortunes of that brave people, the sentence of banishment to Siberia pronounced on some Polish noblemen, and others of note, who had distinguished themselves in the late insurrection, had not been carried into execution, but their sentences had been mitigated by command of the Russian government. He doubted whether the Treaty of Vienna gave this country a right to interfere, particularly as he did not see what treaty had been broken, and he therefore should support the previous question.

Sir *Charles Forbes* supported the Motion, and said that he concurred with the hon. member for Middlesex in his opinion as to the Persian war. The true policy of this country was abandoned when Persia, in its conflict with the overgrown power of Russia, was left by this country to her fate. The tranquillity and safety of India required that Russia should have been prevented from making territorial acquisitions there, though she could not be prevented from avenging her wrongs—if wrong she had really sustained.

Mr. *Courtenay* said, he should not, on this occasion, touch upon the questions of the right of Russia to attack Persia or subjugate afresh Poland. He should only say it was singular to hear from the noble Lord (Lord Robert Grosvenor), who held an office in the Household, language which went to reprobate the conduct of the emperor of Russia, whilst he had exonerated him in his conduct to the Poles from the charge of having broken any existing treaty with Great Britain. He felt it his duty to vote for the previous question.

Lord *Sandon* remarked, that the very act of the Congress of Vienna which had united the Grand Duchy of Warsaw to Russia, contained this article, that that Duchy should be re-united by the constitution it had to Russia. It must follow, of course, that when this constitution was gone and put an end to, the bond of union which united the Duchy to the empire of Russia was virtually dissolved. It would be recollected that when, at the Congress of Vienna, the Russian diplomatist laid claim to incorporate the whole of Poland with Russia, the minister of this country, Lord Castlereagh, with those of other states remonstrated, and, had that course been persisted in, war would have been the result, in order to prevent that annexation of the whole territory and power of Poland to Russia, which was tamely acquiesced in by this country and France, contrary to their former declared policy and their obvious interests. Such an annexation must add great strength to the already overwhelming force of that gigantic Power which this moment seemed ready to pour into the plains of Germany. How subtlely her intrigues and her policy had insinuated themselves into the lesser states of Germany, might be collected from the alarming fact, that a Polish gentleman of distinction had been, under the pretext of his being a Russian, surrendered up as a criminal, with his papers, by one of those lesser powers, from which it might have been hoped there was less reason to expect any mean truckling to any foreign dictation—he meant Hanover. It was, then, no idle terror which seemed to pervade the Congress of 1815, on the subject of the too gigantic power of Russia, and the dangers to be apprehended from the annexation of all Poland to the Russian empire. To prevent that was, then, an object of the just policy and true interests of England—but more especially was it our policy in the present case, of a despotic empire interfering with the small, independent, and free states of Germany. The almost avowed policy of Russia, speaking through its instrument, the Diet, was, that no amelioration should take place in the governments of Europe. It became, therefore, the business of this country to express its feelings of dissatisfaction with the dark and mysterious policy of the new alliance formed against liberty in Germany, and on the Continent of Europe, by three of the greater European Powers. He did hope that, when the case of Poland had been mentioned, not a syllable would have been uttered, nor the slightest mention made, in that House of the good faith of Russia. Was there no infraction of the treaty alluded to alleged by the Poles ere they rose in revolt? Did the House really forget the pretended amnesty that was offered subsequent to the struggle, or the treacherous and hypocritical invitations which were held out to induce them, first to submit, and, lastly, to return from safety under the power of the cruel Russians? Would men of honour and proper feeling talk, after these things, of good faith on the part of Russia? God forbid! This he said in sincerity, because he was sorry to contemplate the possible effect which the assertions of two Members connected with his Majesty's Government might have if they went abroad without note or comment —one (the noble Lord) descanting on the good faith of that aggressive government, and the other expressing himself satisfied that, in these outrages against humanity by Russia, no positive treaty had been broken. Could it for a moment be questioned whether good faith had been kept in this instance by Russia with a Government that had gone so far to keep its engagements with Russia, as to the payment of the Russian-Dutch loan, and which kept all its engagements with the Russian and all other governments. He thought his Majesty's Government had given way to considerations which might not be in accordance with the general sentiment out of doors, and which might hereafter display itself, and burst forth very inconveniently to the interests of the present Ministry out of doors, when a fit opportunity for taking the sense of the public might arise. For the emperor of Russia he entertained respect enough to believe that, if truth reached him, something beneficial to the cause of humanity might arise, when he heard of that which possibly had not reached his ears, though inflicted by those sanguinary persons who were acting under his authority. If it could reach him, it was most likely to reach him through the debates of that House, and glad he was, to hear from the noble Lord that the Poles did attribute some of the mitigation of the sufferings and punishment to the debates that had already taken place within those walls. He could not go all the length of the hon. and gallant mover of the present Motion, nor did he wish to give it a decided negative. He should, however, put it to the discretion of that gallant Officer, whether it would not be better that the Motion should be withdrawn, after the debate that had taken place upon the subject.

Sir *Francis Burdett* said, that, anxious as he was to support the Motion of his gallant friend, and difficult as he found it to discover expressions which would convey, with adequate strength, the feelings with which he regarded the recent treatment of Poland; he perfectly agreed with the noble Lord, that it was expedient to avoid the use of strong and harsh epithets towards the emperor of Russia. At the same time, it was necessary to use such words as might, in some degree, evince the indignation which the treatment of Poland by Russia must excite in every generous and honourable mind. He was convinced that there was not an honest man in the House—that there was not an honest man in the country—that there was not an honest man in the civilized world—who did not feel the deepest indignation at the conduct which Russia had pursued towards Poland. As, on the one hand, the conduct of Poland had created general admiration and sympathy, so, on the other hand, the conduct of her opponents had been so treacherous, so odious, so detestable, that, as he had already observed, he could not find words sufficiently powerful to express his abhorrence of it. How far one individual might be the author of these atrocities, and deserving of execration, it was impossible to say, nor would he stop to inquire; but from the commencement of the crime—for the crime was only now committing—the career was not yet completed, but from the first, when false hopes of terms were held out to the unfortunate Poles before Warsaw, and when they were induced to believe that something like justice would be dealt out to them, down to the present moment, the conduct of Russia had been one series of acts of the most barbarous and uncontrolled tyranny that had ever been exercised, and of which history could afford any example. It was true that in ancient history might be found one or two instances in which tyrants had engaged in the desperate attempt of extirpating a nation, but that, in the present times, any country could be found capable of endeavouring to commit such an atrocity with respect to another could not be believed, if proof of it were not too evident in the conduct which had been pursued by Russia towards the brave but unhappy Poles. And yet the hon. and learned member for Boroughbridge had had the—what should he call it?—the hardihood to assert, that in the contest which had taken place between Poland and Russia, the Poles were the aggressors: that Poland, by its conduct, drew upon it the vengeance of Russia. This was the first time, that he (Sir Francis Burdett) had heard such an assertion; and he most sincerely believed that the hon. and learned member for Boroughbridge stood single and alone in that House, and in the world, in declaring that Russia had not been the aggressor.

Sir *Charles Wetherell* said, across the Table, that he had not said what the hon. Baronet imputed to him. What he had said was, that Russia had not been guilty of the breach of any treaty.

Sir *Francis Burdett* was glad to hear the hon. and learned Gentleman's disclaimer; he was glad to be now enabled to declare his conviction, that there was not a single man in the country who would assert that Russia had not been the aggressor.

Sir *Charles Wetherell* observed, that he had not expressed any opinion on the subject.

Sir *Francis Burdett* could not help admiring the self-control which the hon. and learned Gentleman had manifested in abstaining from the expression of an opinion which it was impossible but that, in common with every humane and honourable man, he must entertain on the subject, although he did not think it prudent to state it. He (Sir Francis Burdett) felt deeply ashamed of the conduct which had been pursued by England, and by Europe, throughout the transaction to which he had been alluding. The time had now, perhaps, gone by, when any beneficial results of importance could be effected by their interference; but it was impossible for any one to say what might have been the happy consequences, had the Powers of Europe, which had guaranteed to Poland the possession of a constitution, such as it was (and which was far short of what it ought to have been), had determined, not for the benefit of Poland alone, but for objects which the common sense and the sound policy of all Europe manifestly pointed out, to press Russia to adhere to those arrangements towards Poland to which she was bound by the Treaty of Vienna. Instead of doing so, however, abandoning all honourable feeling towards Poland, abandoning all sense of what was due to their own interests, they humbled Europe to the insolent pretensions of Russia. Had a different course been pursued, had the faith of treaties been observed, had Prussia been considered as neutral ground for one party as for the other, the Poles would have succeeded, and the peace of Europe, instead of being threatened as it now was with momentary disturbance, would have been secured. The Poles would have been triumphant, and would have achieved their independence, instead of having lost everything but their character and their national glory, which former achievements had rendered imperishable.

> ———" sunt hic etiam sua præmia laudi,
> Sunt lachrymæ rerum et mentem mortalia tangunt."

The fate of Poland had roused the sympathies of all Europe, and the government of France had found it difficult to repress the generous sympathies of its subjects in favour of the Poles. Supported, then, by the whole of Europe, if, at the crisis of the fate of Poland, England had declared herself, and a French army had moved, Russia would not have ventured to continue the contest; and he was convinced, that, if she had ventured to continue it, she would have been defeated. But it might be said, that England was not in a state to go to war. If, indeed, we were so lowered and enfeebled, why did we retain our Ambassadors at the various Courts of Europe? Was it in order that we might have our influence disregarded—that England, once so respected, should be with impunity insulted? If such were, indeed, our sad condition, it would be much better to revert to the policy which had been pursued by the wise Elizabeth—to withdraw our Ambassadors, and not to pretend to interfere when we had no means of rendering such interference effectual. If so, how different was our present character from that described by the poet in the last century:—

> " 'Tis Britain's care to watch o'er Europe's fate,
> And hold in balance each contending state;
> To threaten bold presumptuous kings with war,
> And answer her afflicted neighbour's pray'r.
> The Dane and Swede, rous'd up by fierce alarms,
> Bless the wise conduct of her pious arms;
> Soon as her fleets appear their terrors cease,
> And all the northern world lies hush'd in peace."

He sincerely believed, however, that what he had supposed, would have been actually the case; he sincerely believed that we should not have been compelled to go to war; but, if we had been so compelled, of this he was convinced, that in a more glorious, and, in all human probability, a more triumphant contest, this country had never been, and could never be, engaged. He was persuaded, that the false colossal power of Russia was, in a great measure, owing to the intrigues, the treachery, the pusillanimity, the trickery, the cowardice, which had been manifested by the other nations of Europe, who quietly looked on while that power was accumulating. This country had lately unnecessarily — certainly generously, perhaps chivalrously—performed our part of the contract entered into in the year 1815. Was it too much to insist that Russia should perform her part of that contract, the most important portion of which related to the arrangements respecting Poland? How disgraceful was it to England, after having been, for a century and a half, considered as the great arbitrator of Europe, after having enjoyed the high character of being the protector of weak States against the oppression of the strong, to abstain from enforcing engagements towards a weak state to which engagement she was a party. How disgraceful, after having been thus principal, to become thus subordinate! We had been busy enough in other matters. But the independence of Poland was infinitely more essential to the welfare of Europe than the state of Belgium, about which we had been so long and deeply engaged. He by no means felt sure that Russia had not been playing us off on the subject of Belgium, in a manner that ought to and would render us the laughing-stock of Europe. Nothing was more probable than that she had engaged us in the pursuit of a minor object, that she might with the less interruption obtain solid advantages elsewhere. In his opinion, it was absolutely necessary that Russia should be called upon to fulfil her part of the agreement concluded in 1815. Poland had an undoubted right to call on the other Powers of Europe to maintain her in that state of independence, such as it was, although not such as it ought to have been, which was assured to her by the Treaty of 1815. Let it be recollected, that the noble Lord who was the English Minister on that occasion (Lord Castlereagh) was not likely to be influenced by motives of excessive generosity or any great attachment to freedom; but, that, looking at the subject with the cold eye of an English statesman, he insisted on Poland's being made an independent state. In such a condition she had been placed by the Treaty of 1815; and from that condition she could not be displaced without the deepest shame to the rest of Europe. When we saw what was passing in Europe—when we saw the liberties of Germany annihilated—when we saw the independence of Poland destroyed—when we saw Italy in the possession of a conqueror, when we saw the whole European Continent exposed to the risk of being subjugated by a new Holy Alliance of two or three great despotic powers, it was high time (unless indeed it was now too late), if we had not entirely abandoned our ancient character—if we still pretended to any influence in foreign policy—if we had not sunk from one of the greatest powers of Europe to one of the least—if we had not ceased to inspire the awe and respect with which the other nations used formerly to ask, "What will England do; what will England say?" If we had not forfeited all the attention which in no very remote days our power commanded—if we had not become mean, impotent, and pusillanimous, it was high time to show ourselves, and to assert our character. Unless we did so, the divine command would soon be reversed in Europe. Instead of "Let there be light," the general declaration would be "Let there be no light; let there be universal darkness; let everything be subjected to military power." It was not for England that he entertained any apprehension; even were all the nations of the world combined against her. But he could not avoid entertaining some feelings for humanity generally—some sympathy for the condition of other countries. He knew that sentimentality and politics had little connexion; nor, indeed, did he wish to be considered sentimental. But looking at the subject on other grounds, he contended, that we had a great interest in maintaining the independence of the smaller States of Europe. Could any one who duly considered the subject deny, that it was a most mistaken policy which had allowed Austria to ravage Italy that delightful country, the seat of so many classical recollections, the cradle of the arts—that country so full of genius, so abounding with all that tended to the refinement and civilization of society? Would any one deny that it was a most mistaken policy to allow Italy to be plundered and pillaged by the Austrian military—by men who had not the sense to see the irreparable evils which they were inflicting, and who, thinking of nothing but squeezing out of the unhappy Italians everything they could at the moment obtain, were utterly unconscious of the destructive results that must be the consequence of their cupidity? These were outrages which England ought never to have permitted. She ought never to have permitted Italy to be chained, like Prometheus, to a barren rock, while the Austrian vulture was preying on its vitals. Just and extensive views of our own interest would have prevented us allowing a nation to be enslaved, from the freedom of which the whole world, and no Power more assuredly than ourselves, would have derived the greatest benefits. Vain was the hope to keep up a good understanding with Governments capable of acting as Russia and Austria had acted, and prone to constant aggression, and which would parcel out the world between them if England permitted the continuance of such unwise, such impolitic, such atrocious proceedings. Hitherto, however, Russia had been most fortunate. She had been permitted to take what she pleased from every neighbour whom she chose to invade. Look at her conduct towards Persia. But, with our possessions in India, had we not a good right to say to Russia, "we know nothing of the merits of your quarrel with Persia, but you shall not take possession of provinces in Persia, the possession of which by you will endanger the security of the British provinces in India? In the present altered state of the civilized world, all the former notions respecting the balance of power had become obsolete; the only balance of power worth our thinking about was a strict alliance between France and England. That effected, England and France, independent of all treaties, had a right to say to the other Powers of Europe, "you may go to war if you please, but you shall not endanger the general peace and happiness of the world by any encroachments on territory. We do not pretend to be any judges of the merits of your quarrels, but we are very good judges of what is necessary for our own safety; and encroachments on territory you shall not make." In the next place, he begged to ask why it was, that England should pay for the establishment of Prince Otho on the throne of Greece? Was it not for the purpose of maintaining the balance of power in Europe, and the independence of nations throughout the world? Now, then, suppose that, after we had gone to all the expense of settling the affairs and government of Greece, the emperor of Russia should think proper to seize upon it, would they not be liable to have the same arguments urged against them, and the principle propounded that it was not worth while to go to war for Greece? For himself, he thought that this country would have been perfectly justified, even upon conservative principles, in going to war at the time the Poles were struggling, and struggling successfully against the tyranny of Russia. It would have been, in his opinion, at once a glorious, a politic, and a safe war. The mere appearance of a British fleet in the Baltic would, he was well convinced, have decided the question of Poland's independence. He concurred entirely with the hon. and gallant Colonel (Colonel Evans), and would support his Motion, even at this late period—

> "There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune."

The favourable moment for action was gone by, and they had, perhaps, fallen among the shoals and quicksands; but let them at least come to an understanding, and determine either to save our honour or our money. He repeated that he was ready to support the gallant Member's Motion, and he hoped his Majesty's Government would insist upon the performance, upon their part, of the stipulations made at the Treaty of Vienna, in behalf of Poland. If that country were suffered to remain in its present state, it would be a disgrace to Europe.

Sir *Charles Wetherell* explained, that he was not a Baronet, and that the hon. Baronet—whose compeer he could not claim the honour of being—had attributed sentiments to him which he had never uttered.

Lord *John Russell* said, that his hon. friend had just favoured them with an unexpected oration upon all the foreign relations, and the whole foreign policy of this country. He made this observation, not for the purpose of remonstrating with his hon. friend—he rather envied him. He envied him for the easiness with which, after praising the moderation of the noble Lord (Lord Sandon) he passed to the most violent invectives against all the Governments of Europe with which we were in alliance. He envied him, too, the bellicose tone which he felt himself at liberty to assume. The hon. Baronet he believed, had laid down no less than eight questions, on which he would go to war. Persia, Turkey, Greece, Italy, Belgium, Spain, Portugal, and Poland. His hon. friend would throw overboard all treaties, because, in fact, those arrangements, with respect to Italy, for instance, were made binding by the very treaties to which he appealed. He envied the hon. Baronet his enthusiasm;

but for himself he certainly did not feel justified either as a Member of the Government or of the House of Commons, in giving utterance to such sentiments. On the contrary, he felt bound to shrink from sentiments, the tendency of which would lead us direct to war. However highly the liberties of Europe were to be prized, the blood of Englishmen was to be prized also, and it was not, above all, to be lavished in a cause in which the liberties of Europe might not prosper, but the interests of England were sure to suffer. The noble Lord then went over the history of the Treaty of Vienna, and proceeded to say, that he acknowledged there had been a breach of the Constitution granted to Poland on the part of Russia—that then a conspiracy was formed, and an insurrection took place in Warsaw rather than in Poland, and the Russian garrison was expelled. In the course of the struggle, the insurgent Poles afterwards proclaimed, that the throne of Poland had for ever passed from the house of the emperor of Russia; and from thenceforward it was evident, that the struggle was one of life and death. The emperor of Russia was pledged to use his whole military power to crush Poland, and the Poles to contend to the uttermost against the domination of Russia. The appeal, too, made by the Poles to their countrymen in Austria and Prussia naturally alarmed those governments; and he really was surprised when he heard his hon. friend talking of the mere appearance of a fleet in the Baltic putting an end to the struggle. On the contrary, there would inevitably have been a most desperate contest throughout Europe, in which Russia, Austria, and Prussia would be on one side, and England and France, with the States who were struggling for liberty, on the other. Therefore, although he grieved for Poland, he did not think that any British statesman could be found to undertake the responsibility of coming down to that House to ask the country to enter upon such a war. If the principles of the hon. Baronet were acted upon, the result would be that we should be bound to go to war to support any insurrection in favour of liberty whenever it might take place, without considering its prudence or its probability of success. Against such a proposition as that, he felt it his duty to enter his protest. He would not attempt to follow his hon. friend through the great diversity of topics introduced in his speech, but must observe, that it seemed rather inconsistent in his hon. friend, who censured the Government for not interfering even to the extent of a war, on behalf of Poland, it was rather inconsistent in him to blame the Government for having interfered in the case of Greece. Was the Greek loan, which held out a prospect of immense advantage to Greece, at little or no risk to this country, offensive to his hon. friend, on account of the economy of the measure, by which we put an end to Greek anarchy and disturbance? Would his hon. friend risk a war for Poland, and yet blame the Ministry for guaranteeing the interest of a loan of 800,000*l.* to Greece? Did his hon. friend at one and the same time censure the Government for interfering, and for non-intervention? Ministers had pursued a wise and temperate course. They abstained from interference, where the risk was great, and the chance of successful intervention doubtful; they interposed their good offices, when they found that the result would be highly advantageous, and the cost insignificant. His hon. friend had described England as being the laughing-stock of the world, on account of her pacific policy; this was a charge so generally made against all moderate Governments, and made upon such insufficient grounds, as not to demand more than a simple denial. There were also a few persons to be found in every country, who exclaimed, if the Government refused to go to war on trifling occasions, that the foreign policy was weak and ridiculous. Such statements were seldom entitled to much attention; least of all in the present case, wherein the Government had pursued a wise and temperate line of policy. Far better was it to adopt such a course of moderation, than, for the sake of a feather or a trophy, to take steps that might have endangered the peace of Europe. With respect to the Motion of the hon. member for Rye, whatever propriety there might be in the British Government appealing to Russia for a liberal interpretation, and large performance of her treaties, on the ground of the good faith of England, with respect to her own engagements to Russia, it would be exceedingly wrong, and might be raised into an improper precedent, were the House of Commons to interfere in relation to such a subject. In conclusion, the noble Lord expressed his intention of voting for the previous question, if the hon. and gallant Member refused to withdraw his Motion.

Mr. *Ewart* said, he was always most anxious to preserve peace, because he thought the prosperity of the country depended upon it; but still he must call upon the gallant Member to press his Motion, because such discussions as these in the British House of Commons would tend to serve the cause of freedom all over Europe.

Sir *Robert Inglis* did not believe, that the people of England, or the constituents of the hon. Baronet opposite, were willing to risk a general war for the sake of any abstract principle. This country had other duties to perform, besides aiding insurrections, however justifiable they might be in the eyes of those who originated them. He understood, that the present Ministry had come into office upon the principles of Reform, retrenchment, and non-interference, and it would be most inconsistent with that policy to embroil this country in the quarrels of others. If any thing could justify the insurrection of Poland, it was the atrocities committed by the Russians at Warsaw. At the same time, he could not allow that this country ought to be hurried into a war. He should therefore concur in the Motion for the previous question.

Mr. *Ewart* wished to be understood, as deprecating war as much as any man, and he believed, that supporting the Motion was more likely to discourage than encourage war.

Sir *John M. Doyle* said, that he should support the Motion of the hon. and gallant Member, with whose sentiments on this question he fully concurred.

Mr. *Cresset Pelham* could not bring himself to agree to the Motion, which he thought was in substance a declaration of war against Russia. As far as he could trust the judgment of any of his Majesty's Ministers, he felt disposed to trust that of the noble Lord, the Secretary of State for Foreign Affairs upon the present occasion. Some hon. Members appeared to think, that a simple expression of sentiment on the part of England would have been sufficient to prevent Russia from pursuing the line of conduct which she had adopted with respect to Poland; but that was merely matter of conjecture, and he did not wish to witness any such expression of sentiment, unless we were fully prepared to act upon it in case of necessity. On the whole, he thought it would be better for us to endeavour to settle our own differences at home, than to adopt the dangerous course of entering into hostile resolutions against a power, which a few days ago we had attempted to conciliate, as a joint pacificator in the affairs of Holland and Belgium.

Sir *Francis Vincent* said, that he did not wish the vote he should give to-night to be interpreted into a vote in favour of a war. He did not think, that the Resolutions now proposed at all bore the character just assigned to them. He believed, that its only effect would be to make the emperor of Russia more carefully consider the course he was about to pursue. That was an object which he thought all must be desirous to attain, and that object he was sure could not be attained by mean truckling to any power, because it was thought greater than some others. He should support the Resolutions as an expression of opinion that must have a beneficial effect.

Colonel *Evans*, in reply, said, that he did not believe his Resolutions would have the effect of producing a war; if he did, he should not have proposed them, for he thought, that the object he had in view could be obtained in a more certain and better way by other means. He had the greatest respect for the general good judgment of the noble Lord, and he did not wish to embarrass the Government by any proceeding he now proposed; but he felt it his duty to take the sense of the House on this question.

No division, however, took place; the Motion having been withdrawn.

QUALIFICATIONS UNDER THE REFORM ACT.] Colonel *Evans* rose to call the attention of the House to the Motion of which he had given notice, respecting the great numbers of the town and borough constituency, who would be found disfranchised at the next general election. He observed, that there ought not to be a single place in the condition in which he feared the far greater part of the metropolitan boroughs would be found. In the parish of St. James, for instance, there were 3,000 inhabitants who would be qualified to vote in respect of the houses they occupied, but owing to the greater part of them not having paid their poor-rates, he believed there would be but

891 voters in that parish. It was true there were 1,600 who had paid their assessed taxes, but only 891 who had paid poor-rates, and it was reasonable, therefore, to suppose that the lesser number alone was entitled to the elective franchise. He might, however, add, that the oldest collector in the parish had informed him, that there were not more than 200 voters. In Lambeth, again, the numbers of those who were entitled to votes was very inconsiderable. In the parish of St. Andrew's, Holborn, there were 2,600 persons who occupied houses that would give the elective franchise; but, out of these, there were only 1,200 who had paid their assessed taxes,and, consequently that must be the highest number of persons in that parish entitled to a vote. In St. Margaret's, Westminster, there were not more than 1,200 who would be entitled to a vote; and in the populous parish of Marylebone, where there were 10,000 rated houses of sufficient value to confer the franchise, there were but 2,900 persons who had paid their rates and taxes. If the rest of the boroughs throughout the kingdom were, as he had no doubt they were, in the same situation, there would be at least two-thirds of those entitled to their franchise, deprived of it by the present conditions stated in the Reform Bill; so that, if the borough voters of the kingdom amounted to 300,000, there would be, out of that number, 200,000 deprived of their elective franchise. The noble Lord opposite had given notice of his intention to bring in a bill to remedy this evil, by changing the day, now fixed at the 20th of July, to the 20th of August. That change would not be sufficient. The present was the worst time of the year for making payments. It was not the time when the retail dealer, or the merchant, or manufacturer, received their money, and the agricultural part of the population had that produce, from which they expected to get their money, yet ungathered in their fields. As a proof that these circumstances affected all classes, he might mention, that there was not one qualified voter in the whole of Russell-square; and as a contrast to that, at least with respect to the condition of the inhabitants, there were, in Windmill-street, only two voters. Under these circumstances, he thought something ought to be done, that so large a body of people might not be disfranchised, and he should therefore move the following Resolutions:—

"Resolved, That, in regard to the numbers of the Elective Constituency, whether of the metropolitan cities and districts, or in the towns generally throughout the kingdom, the expectations contemplated by the Legislature, held out by the Government, and entertained by the country, are now found to be entirely erroneous, in so far as relates to the next general election, under the Act for the Reform of Parliament lately passed.

"That, in some places there is even a doubt whether there will be any constituency at all to vote at the next election, excepting old corporate freemen; while, in many others, instead of the franchise being enlarged, as was generally stated, and believed would be the case, it will actually be diminished and cut down to one-fourth, one-sixth, or to even a still less fractional part of the extent of elective right previously enjoyed by those towns respectively; and that a similar disfranchisement, miscalculation, or delusion, must be admitted as to the newly-created boroughs.

"That this most unlooked-for and dangerous result, as affecting the composition of the next Parliament, is partly attributable to the severe and restrictive operation of certain clauses of the said Act, especially the 27th, 23rd, 44th, and 80th, requiring, as a qualification, payment of rates and taxes before specified days, and previous to the periods on which these dues are more usually levied; partly to the distress occasioned to the industrious classes, by the long-protracted resistance to the measure of Reform, and the consequent stagnation of trade; also to omissions or inattention, designedly or otherwise, of the rate and tax collectors; and to misunderstandings respecting dates and other matters of a supposed confused, contradictory, or complicated tenor, which there was not time enough between the promulgation of the Act and the periods mentioned to clear up sufficiently for general guidance.

"That the same might be obviated in respect to the next election, by substituting in regard to poor-rates, the '25th day of December last;' and with regard to assessed taxes, the '10th day of October last,' in lieu of the words, 'sixth day of April last,' wherever the latter date occurs in said Act, in reference to boroughs—thus rendering all voters eligible, who had paid by the 20th of July last their poor-rates, due at Christmas, and their assessed taxes, due the 10th of last October.

"And that it is therefore indispensable, in the opinion of this House, that a short remedial bill be introduced during the present Session of Parliament, to the above, or an equal effect, in order to provide some remedy, at least for the present year, against the fatal error and disfranchisement thus discovered to arise in the working of the restrictive clauses referred to in said Act."

The *Speaker*, after looking at the Resolutions, observed, that the third portion of the Resolutions declared, that it was indispensable, that a short remedial bill should be introduced, in order to provide some remedy for the evils which the previous portion of the Resolutions had exposed. If that Resolution should be carried, it would be declaring the opinion of the House, that a bill of the kind there described should be brought in, and the House would, in fact, be giving leave to bring in a bill without a title, and without a formally declared object.

Sir *Francis Burdett* thought, that his hon. and gallant friend had better withdraw the Motion, as he was sure it was sufficient to call the attention of the Ministers to it, since they must feel as strong a desire as himself to correct the error. He understood, that the noble Lord, the Chancellor of the Exchequer, had given notice of a bill, to remedy the evils of which his hon. and gallant friend had spoken, and truly, if it was intended that the Reform Act should be such as to satisfy the desires of those who had so earnestly called for it at the hands of the Government, some remedy must be afforded. He thought the day should be postponed from the 20th of July to the 20th of September; but he thought further, that the right to exercise the franchise should depend, not on the actual payment of the taxes, but on the liability to pay them, unless it could be shown, that the individual liable would be totally unable, under any circumstances, to make the payment. He recommended his hon. and gallant friend to leave the matter in the hands of the Government, especially as the noble Lord had already taken up the subject.

Lord *Althorp* thought, that his hon. and gallant friend must have exaggerated in a very material degree the effect of the clauses to which he had alluded. With respect to scot-and-lot voters, it should be recollected, that none would be disfranchised who had tendered the payment of their rates and taxes, due at Lady-day, by the 20th of July last. The fact of actual payment before that time was not necessary to the qualification. The offer to pay was sufficient. The only case in which a scot-and-lot voter would be disfranchised was, where he was actually unable to pay. With respect to other rights of voting, he must say, that he thought it very extraordinary, that any mistake or any difficulty should have arisen, because long discussions on that particular provision of the Act, which rendered it necessary that those who were desirous of voting should pay up their rates and taxes by a certain specified time, had taken place on many occasions in that House, while the measure was under its consideration. Indeed, since the month of December last, every person must have been acquainted with the existence of such a provision, and consequently must have had ample time to comply with it. A complaint, however, had been made to him, that, in many instances, where persons had tendered their rates to the collectors, the collectors had refused to receive them. Now, according to the view which he took of the subject, it certainly appeared to him to be quite consistent with the principle and spirit of the Reform Act, to introduce an Amendment, to obviate the injustice which would result if those persons who had tendered their rates should be disqualified. His hon. and gallant friend, in the Resolutions which he had submitted, proposed to alter one of the main provisions of the Act, and to substitute an Amendment, which ought to have been made the matter of discussion while the Bill was under the consideration of the House. He (Lord Althorp) should certainly be very sorry now to see such an alteration made in the principle of the Bill. His hon. friend (Sir Francis Burdett) behind him had intimated the propriety of delaying the period for the payment of rates and taxes, to September or October. The result of such a delay would be to procrastinate the time at which the registration could commence, until a most inconvenient period. The object of the proposition, which it was his intention to propose to the House simply was, that all persons who had tendered the payment of their rates and taxes should, for the purposes of this Act, be considered as having paid them. There was, he admitted, a difficulty in point of form in making any alteration whatever in this Act; because it did not contain the declaratory clause usually placed at the end of bills, to enable the House to make any Amendments in it in the present Session of Parliament. There were, however, several precedents in which Amendments had been made in the same Session in bills which, like the Reform Act, did not contain the usual declaratory clause. One of these occurred in the year 1757, when an Act was passed for enlarging the time at which the first meeting of the Commissioners for putting in force the provisions of an Act, passed in that Session, should take place. An instance very nearly similar occurred in the year 1765; but, in the year 1795, an Amendment was allowed to be made in an Act, which had been passed under circumstances which he considered very analogous to the present. He alluded to the Act which was passed in that year for allowing further time for persons to take out certificates for wearing hair powder. In the present instance he proposed to allow some further time for persons to complete their qualifications as voters under the Reform Act. He certainly did not wish to press that Amendment forward, except with the general concurrence of the House; but, considering that many persons who had all the disposition to pay their rates and taxes, and would have done so but for the conduct of the collectors, would be disappointed unless some alteration were made, he hoped that he should be allowed to introduce an Amendment to the extent to which he had alluded. He should therefore move, as an Amendment to the Resolutions proposed by his hon. and gallant friend, for leave to bring in a Bill to allow further time for persons to pay their poor-rates, pursuant to an Act of Parliament, passed in the present Session, entitled "An Act to Amend the Representation of the People of England and Wales."

Mr. *Herries* thought the House would agree with him in saying, that this was one of the most important propositions that could be submitted to the House. He said a most important proposition. The House had, after a most deliberate and long discussion, passed a measure of immense importance, which was declared solemnly and repeatedly to be received as a final measure. The proposition now made was to alter one of the most important provisions of the Bill. He contended that was the fact; and it should be considered, too, that this alteration was proposed at the shortest notice possible, and at a period of the Session when many Members could not by possibility attend. It was an alteration, too, proposed in defiance of, and in contradiction to, the settled and declared rules of Parliament. He considered the alteration as most important, for it affected the nature of the new franchise; it altered that great principle, and, therefore, he contended it was most important. Besides, if the noble Lord again opened the subject of the Act, who could say where the changes would stop? Let the noble Lord look around him, and he must see that the alteration he intended would not satisfy those who required changes. To the alteration suggested by the noble Lord he did not so much object for its own character, as he did because it was in opposition to the rules of Parliament, and it would open a question which could not be opened without great danger. The alteration was not worth the risk. There was no object to be gained of sufficient importance to justify the proposition. If it were adopted it would go far towards realizing the anticipations of the opponents of the Bill, who had said it would open the door to change, and that change after change would be demanded and conceded. To that assertion the framers of the Bill had said, "No, we will abide by the Bill, and resist all change." Nothing had transpired with which the House was acquainted, whatever information the noble Lord might possess, to justify the proposition. The words of the Act were plain beyond dispute; their propriety had been fully and deliberately discussed, and the Act was passed six weeks before the 20th of July, the date by which the rates were to be paid. If this alteration were made, others must follow. The alteration proposed by the noble Lord would satisfy only a very small number of persons, and would afford a dangerous precedent to others to insist upon further change. He, therefore, entreated the noble Lord to pause before he persevered in his proposition. He was not indisposed to concur in the principle of the alteration—namely, that a legal tender of payment of rates should be deemed, for the purposes of the Act, an actual payment, but further than that he could not go.

The *Solicitor General* regretted to observe such a spirit of opposition to the Amendment of his noble friend. The question was undoubtedly important, because it was whether the public was to derive from the Reform Act the benefits they had a right to expect. If the great mass of the intended new constituency were thus deprived of their franchise, the people would lose the fair fruits of the measure. If he thought that the new electors held their franchise in such light estimation, that they wilfully neglected to qualify themselves, he should, in that case, oppose any proposition to give them a benefit of which he should consider them unworthy; but he was persuaded that it was solely from misconception that they had omitted to take those steps which alone could give them the right of voting. But it was a narrow view of the question to suppose that the elective franchise had been given to a few individuals for their own private benefit. They held it for the good of the people in general, and if they wilfully refused to exercise it, they were guilty of a species of treason against the public. They evidently did not act from wilfulness, but from ignorance; and the point, therefore, to be considered was, whether Parliament ought not to grant a reasonable time for the payment of rates and taxes? It was, of course, merely accidental that the defect had occurred, and it would be highly unbecoming in Parliament not to remedy it. The object was not to vary the principle of the Reform Act in the slightest degree; and if there were no rule of Parliament to render the course impossible, nothing could be more just and necessary than that the alteration should be made. He recollected that the hon. Gentlemen opposite declared, on the passing of the Reform Bill, that they would do everything in their power to make the Bill as effective as possible. He, therefore, could not but suppose that they would cordially join in giving full practical effect to the measure, by rendering the new constituency qualified to vote. Unless the Reform Act were to be a dead letter—to expire in its birth—the House which had adopted the Act was bound to make it perfect.

Sir *Edward Sugden* said, there was no precedent for such a proposition as the present. The cases quoted by the noble Lord did not resemble the present. In those instances the object of the Legislature was to relieve persons from penalties unintentionally imposed. But he would not stickle at forms; he would at once say, that if there was any real cause of grievance he should desire to remedy it. Now, would the noble Lord say that, of his own knowledge, there was, he would not say a large, but a considerable class of voters who had tendered their rates, and the payment had been refused? He had heard of no one case; but if the noble Lord said he himself knew that there was a considerable number of persons who had been disfranchised in that way, he would at once believe it. He was most desirous to carry the Bill into full effect, but he was not prepared to go further. He would say, not only that a legal tender of rates ought to be held as payment, but also, that any overseer who dared to refuse receiving the rates ought to be subject to a heavy penalty. It would be, indeed, monstrous for any person to be allowed, with impunity, by trick, or any other means, to disfranchise another. But then the alteration of the noble Lord went a vast deal further than that. The noble Lord did not say certain persons have been disfranchised contrary to the intention of the Legislature, and, therefore, we will render to them their just rights; but he said, some may have been improperly disfranchised, and, therefore, we will give to all a new opportunity of qualifying to exercise the elective franchise. To such a proceeding he objected, as utterly at variance with the rules of Parliament and the pledges of the Government. The Solicitor General said, the persons disfranchised had not qualified from something accidental. How that could be he did not understand. The wording of the clause was so plain that any one who could read must understand it. That it was generally known, no man could deny, for every newspaper in the metropolis, indeed in the kingdom, had published the exact state of the law, and repeated the circumstances again and again. In fact, so notorious was the wording and intent of the Act, that he did not believe a gentleman would be found who would say he thought any elector could be ignorant of it. Surely the Solicitor General would not say, that his intended constituents, the enlightened and patriotic electors of Marylebone, were ignorant of the law. Had they not had the benefit of public meetings and the advice of the hon. and learned Gentleman himself? But not only was this proposition contrary to the general rules of Parliament, but it was also contrary to the specific pledges given by the noble Lord. Why was the usual concluding clause of every bill not inserted? Why was that clause struck out which was common to almost all bills, and which permitted the amendment of an Act in the then Session, if necessary? Simply for this reason: the Government were told that the Bill as proposed would not be final. The noble Lord replied, "We mean it to be final. To prove that we do, we will strike out the concluding clause, and that will prevent any change being made by the present Parliament." He should be sorry to see the attempt persevered in, for it would be most unjust to do so in the absence of his right hon. friend, the member for Tamworth, and many other Members who had always taken a most active part in the discussions upon the subject, and would certainly have been present had an opportunity been afforded them. There were then present, and by pure accident, some fourteen or fifteen of those Members with whom he (Sir Edward Sugden) had acted, and the noble Lord might judge whether that large body of Members was fairly represented upon the present occasion. The noble Lord had a high reputation for candour, and he put it to the noble Lord to say, whether it would be just, proper, or advisable to press his Amendment.

Lord *Althorp* said, that of his own knowledge he could not state any cases of rejection by the overseers; but he had been credibly informed, that a large number of persons would be prevented from having their votes, from not having paid up to the 20th July; and that of these a large portion had tendered their money, and been refused acceptance: the natural result of which was, that this refusal would act on many others, and prevent their making the tender at all. If it was true that this Bill was to be regarded as a breach of faith towards those who were absent, and on that account likely to meet with considerable opposition, he did not think that it was worth his while to press it upon the House, and under these circumstances he would not insist upon his Motion.

Sir *Francis Burdett* thought that this supplementary Bill was nothing more than carrying into effect the intention of the original Reform Bill, and that without this Bill the public would find that they were not really in possession of that franchise which they had been guaranteed. He did not see how any one could contend that this was any alteration of the Bill; it appeared to him only to be a furtherance of the proposed effect of the Bill.

Mr. *Hume* wished to ask the noble Lord whether he had withdrawn the Bill?

Lord *Althorp* said, that he had;—first, because it would be impossible for him to pass the Bill, if opposed, in the present state of the Session; and secondly, because he did not wish to pass the Bill, if it was held to be a breach of faith that the Reform Bill should not be altered.

Mr. *Hume* said, that if the Bill only went to franchise those who had tendered, he did not care much about it, because he believed the numbers of those tenders to be very few; but if it was intended to be a Bill for the general extension of the time to the 20th of August—

Lord *Althorp:* I intended the Bill to embrace both these objects.

Mr. *Hume:* Then he did hope that the noble Lord would not withdraw the Bill, because such withdrawal would give very great dissatisfaction in the metropolis.

Mr. *Charles Ross* did not object to a Bill to enfranchise those who had tendered payment; but he thought that, with respect to the others, ample notice had been given them, and, therefore, there was no pretence for any extension of time in their favour.

Lord Althorp withdrew his Amendment.

The House divided on Colonel Evans's Motion: Ayes 2; Noes 66; Majority—64.

ADMINISTRATION OF JUSTICE (IRELAND).] Mr. *Stanley* said, with reference to the notice of his which stood on the Paper, for leave to bring in a bill to amend the Administration of Justice on the trial of offences in certain cases in Ireland, that, at that hour of the night, he could not think of bringing it forward in opposition to the wishes of any hon. Member; and, therefore, if he could not then obtain (as he was much afraid he could not), leave to bring it in without a dissentient voice, he should postpone it to the following day.

Mr. *Leader* would certainly oppose even the introduction of a measure so deeply affecting the rights and liberties of the subject,

Motion postponed.

HOUSE OF LORDS,

Wednesday, August 8, 1832.

MINUTES.] Bills. Read a second time:—Revenue Accounts (Scotland); Public Accounts; Speaker's Salary; Aberdeen College; Glass Duties.—Read a third time:—Bills of Exchange; Sugar Duties; Exchequer Bills.

Petitions presented. By Lord REDESDALE, from Hoxton and Whitechapel, in favour of the Factories Regulation Bill.

HOUSE OF COMMONS,

Wednesday, August 8, 1832.

MINUTES.] Bills. Read a second time:—Chancery Sinecures.—Read a third time:—Speaker's Retirement; Land Tax Commissioners Names; Special Constables (Ireland.)

Petitions presented. By Mr. SADLER, from Weston and Ipswich, and by Sir FRANCIS BURDETT, from Disley, in favour of the Factories Regulation Bill.—By Mr. SADLER, from Neath, against the Punishment of Death for Forgery.—By Mr. HUGHES HUGHES, from the Eastern parts of the Metropolis, for the better Observance of the Sabbath Day.—By Sir FRANCIS BLAKE, from Berwick-upon-Tweed, for the Abolition of Slavery.—By Mr. BARNETT, from Maidstone, for further Consideration of Private Somerville's Case.

CASE OF ALEXANDER SOMERVILLE.] Mr. *Henry Lytton Bulwer* presented a numerously-signed Petition from Coventry, praying for the immediate discharge of Somerville from the Scotch Greys. The hon. Member hoped, as the Court of Inquiry had terminated, that the evidence would be made public, and that Somerville would be immediately discharged.

Sir *John Hobhouse* said, the proceedings before the Court of Inquiry had been laid before the King to-day, and as soon as his pleasure was made known, he should be happy to afford every information upon the subject. With respect to the discharge of Somerville, he had made an application to the proper quarter, for that did not depend upon him, nor was it in his power to grant a discharge. The answer, however, which he had received gave him reason to believe the discharge would soon be made out, and nothing that had occurred since had given him reason to alter that opinion.

Colonel *Sibthorp* had served for nine years in the Scotch Greys, and he knew that the officers were on all occasions disposed to act most kindly towards the privates. He knew, from experience, that it was extremely painful to be obliged to punish soldiers, but it was necessary to preserve order and regularity in the army, and to hold a power over the army which was never enforced except in cases of absolute necessity. He deprecated all such complaints as these, as chiefly coming from those who had but little desire to see order and regularity in the army.

Mr. *Henry Lytton Bulwer* knew that many other armies were kept in good order without corporal punishment, and he saw no reason why our army should not be as well regulated without flogging.

Sir *Charles Burrell* said, it was a mistake to suppose that no soldier after flogging became a good and useful member of society. He had known many instances to the contrary during the time he was in the army; in one instance a drummer was flogged, and afterwards behaved so well that he became a serjeant; and after leaving the army, he was elected to be Governor of Lewes House of Correction.

MAGISTRATES OF NOTTINGHAMSHIRE.] Mr. *Evelyn Denison* wished to ask a question of the Under Secretary for the Home Department, relative to the inquiry into the charges made against the gaoler and some Magistrates of the county of Nottingham. It would be recollected that the hon. Member for Preston had presented a petition against the authorities connected with the county gaol. In consequence, directions had been given by the Government to the Magistrates to institute an inquiry, which the Magistrates at first refused to enter upon. The question he now, however, had to put, was, whether the documents forwarded to Government had satisfied them that the charges were unfounded, and whether the refutation given had not been quite satisfactory? One of the charges made was, that a man had been confined for five days without water, while the fact was, that he had been confined in a yard in which there was a pump, to which he had unrestrained access. The only fact proved against the gaoler was, that he had been rather too indulgent, as he allowed this prisoner fire, which he would have to pay for himself.

Mr. *Lamb* said, that the facts had been stated so clearly by the hon. Gentleman, that he had scarcely any thing to add. It was true, that the Magistrates had, at the commencement, shown some reluctance to enter upon an inquiry in which some parties might urge that they were interested, and into charges which he (Mr. Lamb) begged to say that he had never believed one word of. The Home-Office naturally wished the Magistrates of the county to make the inquiry, as the Home Secretary could not think of intimating any distrust of a body of men so respectable. The magistrates appointed a committee of five of their body, who were not in any way interested in the charges made, and they had taken the evidence of prisoners and others; and he had no hesitation in saying, that the statement laid before the Home department was a complete refutation of the false and slanderous charges made against the gaoler, and his only regret was, that the law did not afford any adequate redress against the originators of such a slander.

SPEAKER'S RETIREMENT BILL.] On the Motion of Mr. Spring Rice, the Speaker's Retirement Bill was read a third time and passed.

The Speaker having put the preamble of the Bill declaring, that it was in consequence of the high and eminent services of the Right Hon. Charles Manners Sutton, and the question having been carried by an unanimous " aye,"

The *Speaker* said, " Before this Bill leaves the House, I trust the House will permit me again to express my most respectful and humble acknowledgments for this distinguished mark of their liberality and kindness."

Mr. Lamb moved that the Speaker's address be entered on the Journals.—Ordered.

CONSOLIDATED FUND—HALF-PAY.] Mr. Spring Rice moved the Order of the Day for the House resolving itself into a Committee of the whole House on the Consolidated Fund Bill, for the purpose of moving an alteration in the appropriation clause, of which his right hon. friend the Secretary at War had given notice.

The House in Committee.

Mr. *Hume* would make one observation, which was, that, although this was not the opportunity for any individual to come forward with such remarks as he might think fit to make upon the expenditure sanctioned during the Session, he (Mr. Hume) availed himself of it, in order to declare, that there were many votes in which he had concurred during the Session, in order to save the time of the House, and allow the great measure of Reform to be brought to a successful termination. He must at the same time distinctly say, that the expenditure of the country had not been brought down to the standard upon which, in his estimation, it ought to rest. It was, however, but justice to the Government to say, that many minor expenses had been extinguished, and many details laid before Parliament, which had heretofore been kept out of sight; as well as, also, that a measure was now before Parliament which would ensure a fair publication of the accounts of the country. The civil list had been placed on an intelligible footing; but he did not approve of all that had occurred with respect to the pension list; at the same time that there was this advantage gained—that all these branches were now subject to the revision of the Legislature. The votes for the army he could not but think too great, and totally disproportioned to the necessities of the country; and, considered in conjunction with the expenses of the ordnance, that must accompany such an establishment, no doubt existed in his mind of the necessity of a reduction. Indeed, all the reduction of clerks and minor offices were of little importance, as compared with this grand expense, and there was no hope of efficient reduction, so as to relieve the people, without lessening the Estimates for the army and navy. The militia had cost the country 4,500,000*l.* since the peace, and was useless. So also was the yeomanry, and it would be disgraceful if, in a country rich beyond precedent, as this was, persons could not be found to preserve its peace without pay and emoluments. He therefore anticipated, that in the next Session, and with a Reformed Parliament, reductions might be effected so as to bring down the expenditure from 45,000,000*l.* to 40,000,000*l.* 5,000,000*l.* might appear a large reduction, but when he looked to the variety and extent of our establishments, both at home and in the colonies, he had no doubt that when they were properly scrutinised this object would be effected, and a relief to the amount of 5,000,000*l.* of taxation thus given. The right hon. Secretary for the Treasury deserved very great credit for the clearness he had already introduced into the public accounts, and he hoped for still further improvements, particularly with respect to the expense of collecting the revenue, which was now kept out of sight, but which, in point of fact, made the sums paid by the people amount to 49,000,000*l.*, instead of 45,000,000*l.* The reductions in the Admiralty department were also deserving of commendation, and a saving of 500,000*l.* had been effected in the purchase of timber. If the process of keeping the ships high and dry at Woolwich, now in progress, answered, he hoped the result would be an immense saving, instead of the expenditure of 29,000,000*l.* since the peace for the navy—a sum which would at the present prices, purchase our whole navy. He wished always to assist and support the navy as the best and most efficient arm of this country. The miscellaneous expenses amounted to 2,000,000*l.*, and, in those items, connected with Ireland in particular, he trusted to see very great reductions. The hon. Gentleman, in conclusion, repeated his declaration that his assent to many votes in this Session were not to be held as binding upon him on future occasions.

Mr. *Spring Rice* said, that the hon. member for Middlesex had only exercised his parliamentary right in making the explanations he had given, more especially as the hon. Gentleman had frequently intimated that he waived many objections in order to facilitate the progress of the measure of Reform. Still he must be permitted to say, that much had been done by the present Government in the way of reduction. In the ordinary expenses of the navy alone, there had been effected a saving of 250,000*l.* Upon the actual Estimates of the year there had been a reduction of not less than two millions. If the abstract amount of the income which went to pay the interest on the debt and the dead weight were taken into consideration, it would be seen that but comparatively a small sum remained open to be dealt with by Parliament in the way of reduction, and two millions reduced from such a sum was a great step indeed. He did not mean to say that it was to be a final step. He had also to remind the House that more had been done this year in reducing salaries than had been done during the three years preceding the accession to office of the present Ministry. He admitted that more yet remained to be done —a great deal more; but still the Government was entitled to credit for what it had already effected. He appealed to the hon. member for Middlesex as to whether Government had not also brought forward in the public accounts sums which had never been brought forward before; amongst which he might name 20,000*l.* towards the Greek loan.

Mr. *Courtenay* differed from the hon. member for Middlesex in almost every word that he had uttered, except in his praise of the right hon. Gentleman (Mr. Spring Rice), whose industry and exertions were in the highest degree laudable. He should not then enter into the subject, as he should have another opportunity, but merely begged to ask a question as to the decrease of two millions of expenditure alluded to by the right hon. Gentleman. He wished to know whether the saving was effected as comparing this year with the last, or both years with those during the time of the late Government?

Mr. *Spring Rice* said, he meant decidedly that the saving was effected as comparing this year with the last.

Mr. *Courtenay:* Then it was not a saving as compared with the two last years.

Colonel *Sibthorp* said, there could no blame be attached to the Gentlemen who usually sat upon his side of the House, for every proposition that came from the other side—the Reforming side—was sure to be carried. He quite agreed with the hon. member for Middlesex, that all pensions to idle people ought to be abolished, and he, for one, would support such a proposition. There were, also, many of the high officers of the State whose salaries ought to be reduced; for instance, there was the First Lord of the Admiralty—to him he would allow 3,000*l.* a year, thereby saving 2,000*l.*, which would be made up in patronage and honour; if the right hon. Baronet would not accept that sum, he (Colonel Sibthorp) would take the office, and transact the business for nothing. Much had been spoken of savings; he, however, could not find them out, and when he had a return, which he was about to move for, of the expense of the wonderful Bill of Reform, as it was called, but which ought to be called the detestable and damnable bill, then the country would see what saving Government had made. It appeared that Parliament was to be dismissed with the consolation that there was already a deficiency in the revenue of 700,000*l.*, and the probability of a further deficiency of 400,000*l.* next year, but which deficiency he, in his conscience believed, he could show would be at least 2,000,000*l.* He, however, hoped Ministers would be able to face the country, and prove to him that his conjectures were wrong.

Sir *John Hobhouse* said, that he had given notice of his intention to propose an alteration of one clause of the Appropriation Act; he would not, however, do it then, but on the bringing up of the Report. It was, however, designed to permit officers on half-pay to hold civil appointments without forfeiting their half-pay. The right hon. Baronet stated the several changes which had taken place upon this subject from the year 1810, and observed, that the only exception had been made with respect to those officers who held the office of barrack-masters on foreign stations. As a general principle, it was laid down by the Finance Committee, that the half-pay was given as a retaining fee; but that could never be true in the case of the sick, the infirm, and the aged, nor for those who had been excepted by the Act of 1811. It was morally impossible that any thing like a majority of the officers on half-pay could be called into actual service, the number being now about 7,000. The Report of the Finance Committee of 1828 went upon figures, which certainly appeared rather astounding. According to it, there were 404 officers of the army on half-pay, holding civil offices to the amount of 41,000*l.* a-year, and they had gone upon an inference which the Return proved to be unjust, namely, that the whole of this sum would be saved by the new regulation. The amount received by navy half-pay officers holding civil offices was 32,000*l.* a-year, and the Committee assumed that a saving to the amount of 73,000*l.* a-year could be effected; but the result had been rather the reverse. Officers upon half-pay would not give up that half-pay unless the salaries of the civil appointments were large, and many preferred remaining upon half-pay to making the exchange; so that, in fact, the expense was greater, as both services were separately paid. The present First Lord of the Admiralty, as a member of the Finance Committee of 1828, had been a strenuous advocate for the regulation it suggested: but his experience since he came into office had convinced him that he had formerly been mistaken, and that, practically, an injury was done by the change of system. The Finance Committee, it appeared, had proceeded upon wrong data, and that body had no right to assume what the result showed to be totally unfounded. Barrack-masters and officers serving in the police in Ireland, for which they were eminently fitted, must be deducted from the amount given for the army, and thus there would only remain 20,000*l.* to be accounted for; but it was a great fallacy to suppose, that even getting rid of that would produce a reduction of expenditure. By the Return it appeared that in the course of four years, only twenty-one out of 404 half-pay officers were appointed to civil situations, as no more could be found who would give up their half-pay. Of 291 so situated at the commencement of the present year, 181 were of the lowest scale of officers; 106 holding civil appointments under 150*l.* a-year, and none above 250*l.* The gross amount of their several salaries was not more than double, instead of being four times the amount of their half-pay, as was inferred by the Finance Committee. Contending, then, that the Committee had gone on fallacious grounds, and also considering that half-pay officers were the best and most proper persons to fill certain situations, he did not think they ought to be shut out. He should propose that this change should take place from the 1st of January next—that the appointment of military officers to civil situations should be with the sanction of the Treasury and the Secretary at War, and in order to give Parliament a proper control over such appointments, he would further propose, that a return should be annually laid before the House of the number of officers holding civil situations, and the amount of salary attached to those situations.

Mr. *Hume* objected to the intended change, which in his opinion was an innovation upon the principle on which the army had been regulated by the 59th Geo. 3rd, which had been departed from from 1820 to 1828, and restored by the Finance Committee in the latter year. The right hon. Baronet was wrong in supposing that the principle which he was now about to do away with, originated with the Committee of 1828. The fact was, that by the 59th Geo. 3rd, officers in the army or navy were prevented from receiving their half-pay while holding civil appointments of a certain value. The Committee of 1828 had no wish to bar the admission of naval or military officers to civil appointments, but it recommended that, when holding such appointments, they should no longer be a burthen to the country by the amount of their half-pay. The right hon. Baronet had taken too narrow a view of the subject, which would lead again to that confusion of accounts which of late years had been avoided. He maintained that the principle on which the Finance Committee had proceeded was perfectly correct, and that it was unfit and inexpedient that any half-pay officer should, at the same time, receive pay as a civil servant. The moment an officer accepted a civil appointment he ought to be no longer a burthen to the army. He should, therefore, oppose the bringing up of the clause.

Mr. *Weyland* supported the Resolution. In his opinion all civil offices should be open to officers on half-pay, for that half-pay was the reward of past services, not a retaining fee for future services. He even disapproved of the regulation for taking away half-pay from those officers who were in holy orders.

Sir *Adolphus Dalrymple* was of opinion that the Finance Committee had been wholly mistaken in the view it took of the subject. He had, previous to this time, endeavoured to induce the Government to consent to such a change as that, and he was grateful for it now that it was proposed.

Colonel *Sibthorp* cordially agreed with the change proposed by the Secretary at War, and hoped to be able to concur with him in future more frequently.

Mr. *Hume* wished it to be understood that he had no desire whatever to bar naval and military officers from holding civil appointments, as he thought them fully qualified for such appointments, indeed, he should wish to see officers selected for such appointments, in order that their half-pay might be saved to the country, which was the intention of the Finance Committee in its recommendation in 1828.

Mr. *Weyland* wished to throw out a suggestion for the consideration of the right hon. Gentleman opposite. He was of opinion that officers who had served ten years, and were entitled to receive half-pay, should be allowed to retain their half-pay though they entered holy orders. He wished a clause of that kind introduced.

Sir *John Hobhouse* said, that there would be a strong objection to such a clause, inasmuch as those officers who took holy orders would not be available for the public service. Many cases had occurred, with reference to the subject of half-pay, involving circumstances so piteous, to which, if he had followed the dictates of his own feelings, instead of performing the strict duty of a public officer, he must have given way. The effect of this clause would he hoped, be, to lessen the number of such cases in future. The question between him and the hon. member for Middlesex was a question of economy. He could assure his hon. friend, that his efforts had been devoted to promote economy, while he did justice to all parties. The regulation could introduce no confusion into the public accounts: but it would be a measure of economy. He hoped that the country, though he had been accused of sacrificing economy and not doing justice, would give him credit for his motives. When this subject was clearly understood, the country would see that the change was not an infringement of public economy, and that it would not introduce confusion into the public accounts; but that it was calculated to restore to the King's service a right, of which it should never have been deprived.

Sir *James Graham* said, that this clause had his approbation. He had not heard his right hon. friend's speech, but he concluded that his right hon. friend meant it to be with certain reservations. He certainly consented to the regulation with reservations. One of these reservations was, that the maximum of reward should not exceed the civil remuneration, including the half-pay; and that it might be checked, he certainly should recommend that the return of all those officers holding civil situations, and the amount of their half-pay and other emoluments, should be annually laid on the Table of the House. It was on that condition that he assented to it.

Clause agreed to—House resumed.

CROWN COLONIES (WEST INDIA) RELIEF BILL.] The Order of the Day, for receiving the Report of the Committee on the Relief of the Crown Colonies (West India) Bill, was read. The Report was received; and the Resolution, enabling his Majesty to apply 58,000*l.*, out of the Consolidated Fund, for the relief of the Crown colonies, was read a first time.

On the question that the Resolution should be read a second time,

Mr. *Hume* inquired, whether there was any information before the House which would enable them to ascertain whether any of the Crown colonies had really adopted the Orders in Council?

Lord *Howick* said, that there was no information but what was then at the Bar of the House, and which, in the course of the evening, would be laid before it.

Mr. *Burge* expressed his regret that the House had not earlier information on this most important subject. He should take a future opportunity of explaining the grounds upon which the legislative colonies refused to adopt the Order in Council.

Mr. *Courtenay* said, the King had, by his Royal prerogative, sent forth these Orders in Council for the government of the colonies. That his Majesty had a right to do; but he contended, that it was most unjust to make the people of England pay for carrying those orders into effect. He objected to the haste with which this proceeding was pressed forward. The present Parliament was said not to represent people of intelligence and information; but it was said that a Reformed Parliament, which would soon assemble, would represent all the intelligence and information of the country. Why, then, he would ask, could they not wait for that Reformed Parliament, and leave to them the consideration of this question? He objected to the mode in which, as he had heard, Ministers meant to carry this measure. They intended to tack it to another, which, although it related to the West Indies, had no connexion whatever with the particular subject of the proposed grant; and, by that means, they hoped to prevent the other House of Parliament from exercising that proper interference, which otherwise they would most probably do.

Mr. *Irving* said, that as to the Orders in Council, he had well considered them, and he had no hesitation in offering his opinion upon them. To him they appeared exceedingly objectionable, and he entirely condemned them. With respect to the reward to be given to those colonies which obeyed these Orders in Council, he was certain, that while it would entail a large expense on this country, it would not be productive of beneficial consequences. The hon. Member expressed his doubt as to the right of the Crown, by its prerogative, to enforce these orders. He then adverted to the wretched state to which, under regulations formerly agreed to, the island of St. Lucia was reduced; and concluded by observing, that though the measure about to be proposed was conceived in a good spirit, he was far from believing that it would be acceptable to the colonies.

Lord *Howick* said, that as the Order in Council had been attacked by the hon. Member, he would trouble the House with a very few observations upon a subject which had been already so fully and completely discussed. Measures of a similar description for the amelioration of the condition of the slaves had been brought into operation in Trinidad and St. Lucia in 1824 and 1825, and they had there produced the most salutary effects towards attaining the object which they had in view. It was upon the satisfactory and successful operation of those measures that the Order in Council of 1831 was founded, and it was in accordance principally with their provisions that that order was framed. Yet, such was the measure which had excited the indignation and provoked the attack of the hon. Member. He was astonished to hear the hon. Member question the prerogative of the Crown in enforcing the Order in Council in the Crown colonies. The hon. Member in doing so, had especially referred to British Guiana. Now it so happened, that since the capitulation of British Guiana, not a year had elapsed in which some Order in Council had not been introduced there, and enforced by the Crown. The hon. Member was misinformed, too, when he stated that the Government were ready to submit the question as to the prerogative of the Crown to the decision of a Court of Law, by having it tried by what was called a feigned issue. It was only a fortnight ago, that he had, by the direction of Lord Goderich, addressed a letter to the persons connected with the Crown colonies, informing them that his Majesty's Government would not submit that question to a feigned issue, as they had no doubt whatever with regard to the prerogative of the Crown on the subject, but that the parties themselves might, of course, if they pleased, appeal to a Court of Law on the subject. As the hon. Member's speech embraced no special details, he was not called upon to give any special answer to it, and he should not at present trouble the House with any further observations.

Sir *Adolphus Dalrymple* objected to the late period of the Session at which this important subject had been brought before Parliament. The objections which were raised against the Orderi Council did not relate to it, so far as it went to ameliorate the condition of the slaves, but contemplated only those mischievous and obnoxious parts of it, which, while they would not be productive of benefit to the slaves, would be most injurious to the interests and properties of the planters.

Mr. *Burge* said, that the noble Lord had betrayed his ignorance of the constitutional law relative to the colonies, when he insisted on the prerogative of the Crown to enforce the Order in Council in the Crown colonies. So far from the power of the Crown being undoubted on that point, some of the first law authorities best acquainted with the subject were at variance with the noble Lord; and it was a fact, that when the Judges in Trinidad were called upon to enforce the Order in Council, the whole of them left the Court, with the exception of the Chief Justice.

Lord *Althorp* remarked, that the object of the Orders in Council was, to improve the condition of the slave population of the colonies, without effecting any injury to the interests of the planters. He did not see that any argument had been used on the other side to induce the House to refuse its acquiescence to these Resolutions.

Lord *Sandon* said, that as he had already so fully stated to the House his reasons for pursuing the conduct he had followed with reference to this subject, he should not now trouble the House, nor should he further oppose this vote, though the noble Lord opposite had not afforded that information which might have been expected from him.

Mr. *Fowell Buxton* observed, that the Orders in Council were intended to benefit the slave population, without having any reference to the planters themselves. He hoped that his Majesty's Ministers would avail themselves of the opportunity afforded them in the approaching recess, in devising some measure for the utter extinction of the abominable system of negro slavery.

Mr. *Ewart* supported most cordially the Orders in Council, under the consideration that they were a progressive measure towards a general relief of the slave population of the West-India colonies.

Mr. *Fane* condemned the entire policy of his Majesty's Government with regard to the colonies, as absurd and impolitic. It had been justly called a money-scattering Government. First it made the country pay money to Russia, then to Greece, and now to the colonies, for complying with the views of the Ministers. The Orders in Council were impracticable, and had been found to be so, and he could not but think that it was most ridiculous that this House should now be called upon to support and recognize measures which, it was indisputable, were absurd and impracticable.

Mr. *Hume* could not hesitate in thinking that the conduct of the Government of this country, with reference to the colonies, had been, and was, most absurd. Indeed, it appeared that, according to the system which had been pursued, scarcely one Order in Council had been issued, and had arrived in the colony to which it was directed, when, without time being allowed to that colony to adopt it, however willing it might be to do so, another Order in Council followed, which went to mitigate or modify its predecessor. He maintained, that the prerogative of the Crown should only be exercised for the benefit of the public, and he was prepared to contend, that it was not in the power of the Crown to interfere with those rights which England possessed by any Order in Council; and, on the same principle, he was of opinion, that it was improper in such a way to interfere with the colonies. He held it to be a great thwarting of the Crown colonies so to interfere, or that they should not be maintained in that system or constitution which had been established in the year 1763 by the Orders in Council of that date, and by which it had been ordained, that every colony subject to the Crown of England should not only govern themselves, but have also the power of taxing themselves. These rights ought to have been preserved, instead of the colonies being made subject to the arbitrary issuing of Orders in Council. The suspension of these rights of taxing themselves for their own purposes was, in his judgment, a direct infringement on the rights of the subject, and to such an infringement he was, of course, decidedly opposed. He did not doubt but that his Majesty's Government meant and intended that the colonies should be properly governed, but, at the same time, he did not hesitate to say, that their efforts towards this object had failed of success. In the Mauritius, the refusal to receive a certain individual sent out as judge in that colony, and even the Orders in Council themselves had almost occasioned an insurrection in that colony. In short, the system which had been pursued could only tend to the weakening, and not to the improvement, of either this country or her colonies. He was prepared to question whether this country was pursuing a right course, in now, at the eleventh hour, sanctioning that which most certainly was a doubtful line of policy, and one, also, which it was proper, nay, incumbent upon that House to view and examine with a scrutinizing eye. He more particularly objected to the period when the subject had been brought forward—a measure, fraught as it was with importance—at a time, and with an assemblage of Members in the House, when the progress of pressing public business might be interfered with in a manner extremely unpleasant. He, therefore, would anxiously suggest the postponement of the consideration of the present subject, until it was satisfactorily known in what manner the Orders in Council had been received in the colonies. Such information was not now before the House—nay, he held in his hand the protest of the residents in Trinidad, and also of the colonists in Demerara, declaring that they could not and would not concur in the carrying those Orders into effect. He should also be glad to know from the noble Lord, who had attempted to answer the questions which had arisen in this respect, whether the accounts from St. Lucia or the Mauritius tended to show that they would support this project. The Government had not as yet been able to produce one tittle of evidence to show that these Orders in Council had been carried into effect in any one of the colonies, and therefore they were now asking from the House that money which they could not apply. On the whole, it appeared to him that the measure was premature in the extreme, and he therefore hoped the noble Lord opposite would wait until he had information of the practical results arising from the receipt by the colonies of these Orders in Council. When this information had been received, he should be ready to assist the noble Lord in carrying those Orders into effect, or to accomplish an amelioration of the condition of the slave population. With respect to that subject, he hesitated not to call upon the hon. member for Weymouth (Mr. Fowell Buxton) to come forward with some measure, and suggest to the Government some plan, which would accomplish that object. However, the planters had as much right to complain of the loss of property which was as much their own as the property of any individual in this portion of his Majesty's dominions. When any plan to accomplish the abolition of slavery was brought forward, then, he would say, let the Government take 57,000*l.* a-year, or thrice that sum, for the purposes of compensation. He could not but think the present was an ill-timed proposition, which, under the popular cry, tended rather to stop than to forward the object which every man in the country had in view, and therefore it was, that he hoped the noble Lord opposite would suspend his proceedings, until the House was in possession of that information which alone could enable it to legislate with satisfaction on this important subject.

Mr. *Sadler* was ready to applaud his Majesty's Government for the line of conduct which they had in this instance pursued with reference to the slave population of the colonies; at the same time he regretted that they had not directed their attention to another system of slavery which prevailed. However great the sufferings of the slaves in the colonies might be, admitting all the statements which had been made upon the subject to be true, yet he would submit to the Government, and the noble Lord opposite, that the condition of the children labouring in factories in this country was one equally deserving of attention. He thought he was justified in embracing the present fitting opportunity of bringing before the Government of the country the condition of the white, the infant slaves of this country, who laboured fifteen hours a day, and that, too, in a manner which had excited the sympathies of the people of this country. The only apology which he could offer for bringing this subject forward on the present occasion, was the very argument which had been used with reference to the defence of the West-Indian policy —namely, that competition was to account for all the atrocities of the system. He entertained a hope that, while the Government were about to confer liberty on slaves, they would confer an equal boon upon the labourers of the mother country.

Mr. *Weyland* thought the Session should not be allowed to pass without making some provision as to infant labour. He was convinced, that if the money now proposed to be granted would tend to ameliorate the condition of the slaves, the people of England would not regret it. He was quite ready, from the disposition which had been manifested on this subject by his Majesty's Ministers, to place implicit confidence in them, for he saw that they were determined to accomplish an amelioration of the condition of the slave population, and to effect the eventual abolition of slavery.

Resolution read a second time and agreed to; and the question having been put, that it be an instruction to the Committee to provide for carrying the Resolution into effect,

Mr. *Courtenay* wished to know whether the conduct of the colonies was or was not a general combination against the law? If it were, they were paying some of the colonists merely for not entering into an illegal act. He knew that an attempt had been made to put this grant of money on the ground of a compensation for injuries sustained. All he could say on that head was, that if the Order in Council was justifiable, it should be proceeded upon without any compensation at all; and if it was not justifiable, it ought never to have been enforced. His voice should be given against the instruction.

The Instruction agreed to.

Civil List.] The House went into Committee on the Civil List Payments' Bill.

Mr. *Courtenay* was sorry to take up the time of the House again, but he was desirous of making one or two observations on the Bill. This was a Bill for providing for a very small part of the charges formerly included in the Civil List; all not relating to the household being provided for by a grant to the King, a charge on the Consolidated Fund, and the annual votes of a Committee of Supply. The object of the Bill was to give this House an increased control over this expenditure. He had always objected to the separation of those of the civil government from the other expenses of the Crown; but he would not then enter into that part of the subject. What he meant to contend for was, that the House ought not to leave the Crown without the means—Parliament sitting or not sitting—of paying the great officers of State, and conducting the civil government. The effect of the arrangement under the Bill would be, that, with the exception of the Lord Lieutenant, who represented his Majesty in Ireland, and the Ministers at the several foreign courts, his Majesty would not pay, in future, any civil officer. It appeared to him, that this was in opposition to all the principles of the Constitution. It was, perhaps, right that the King should not pay the Commander-in-chief of the army, or the Master-general of the Ordnance, because the Constitution did not contemplate the existence of a permanent army, but it was right that he should pay all the permanent officers of the Government. With respect to the navy, that was also dependent on the House. He thought that the Bill was the first stage of a very republican proceeding. He knew it was unavailing to oppose this arrangement, but still he could not refrain from protesting against it. The noble Lord acknowledged that he had fallen into various anomalies in making this arrangement. The most ridiculous mistakes, in fact, had been made. He did not accuse the noble Lord of being a republican, but he repeated, that in his opinion, this was a very republican proceeding. In recurring to history, to see what the practice had been upon this matter, he had avoided referring to a Tory historian, being aware of his own Tory predilections (which, however, he trusted, he should never be ashamed of). He had referred, therefore, to the historian who came over with King William, a Presbyterian Whig (the worst of all Whigs), and nevertheless a Bishop of the English Church; he meant, of course, Bishop Burnet. He begged the attention of the House, for one minute, to what this prelate said of certain debates concerning the settlement of the revenue in the first year of King William's reign. 'By a long 'course, and the practice of some ages, the 'customs had been granted to our kings 'for life; so the king expected that the 'like regard should be shown for him. 'But men's minds were much divided in 'that matter. Some Whigs who, by a 'long opposition and jealousy of the 'Government, had wrought themselves 'into such republican principles that they 'could not easily come off from them, set 'it up as a maxim not to grant any revenue, but from year to year; or, at most, 'for a short term of years. This they 'thought would render the Crown precarious, and oblige our kings to such a 'popular method of government as should 'merit the constant renewal of that grant;

'and they hoped that so uncertain a 'tenure might more easily bring about an 'entire change of government.' He was sure that the noble Lord opposite, did not make this change in the same spirit; but he must not be surprised if those who were not disposed to place implicit confidence in the Government, were very jealous of such a proceeding. Having entered his protest against the Bill, he should not occupy the attention of the House any further. He sincerely prayed that he might be mistaken, and that he should die, as he was born, under a monarchy.

Lord *Althorp* said, undoubtedly, although the salaries of the Ministers of the Crown were voted annually in this House, it never entered into his imagination that that was considered a "republican" proceeding, as the right hon. Gentleman termed it. He looked at this merely as a question of economy; and thought it desirable that the salaries of the Ministers of State should continue under the control and inspection of Parliament, rendered liable to such alterations as changes in the circumstances of the country might from time to time require. The House of Commons had so much power in the State, that no Administration could continue to exist contrary to the wishes of the House. He thought, therefore, whatever the theoretical deductions from this Bill might be, that it could not have the practical effect which his right hon. friend anticipated. He had already stated to the House the principle on which it proceeded. The expenses of the State, as a State, should be voted by a Committee of Supply, with perhaps one or two exceptions. The House generally concurred with him in this view, and therefore, he would not trouble it any further.

Mr. *Hume* remarked that, as the Judges were paid fixed salaries, it would be now desirable to know what reason there was for continuing the fees still payable in the different courts, which must evidently tend to the interruption of justice. Cheap justice was never so desirable as at this moment.

Lord *Althorp* said, he was not convinced that it was desirable to abolish all fees, though it was desirable to abolish such as were objectionable and onerous to the subject in obtaining justice in Courts of Law.

Mr. *Hume* hoped the matter would be referred to the Judges of the different Courts, and that they would be required to return such public fees as it might be consistent and convenient hereafter to abrogate altogether.

Clauses agreed to, and the House resumed.

THE LORD CHANCELLOR'S SALARY BILL.] Lord Althorp moved the Reading of the Order of the Day for the House to go into Committee on the Lord Chancellor's Salary Bill.

On the Question that the Speaker do leave the Chair,

Mr. *Sadler* said, that though it was very possible his observations on this subject might lay him open to remarks which would not be at all agreeable, still he thought his duty and his regard for consistency called on him to express his sentiments, and that in justice to his own opinions he could not adopt any other course. When the right hon. Baronet opposite was out of office, and proposed certain Resolutions relating to the salaries of the higher officers of State, he (Mr. Sadler) had supported those Resolutions, as he had done all recommendations that had for their effect to diminish the public burthens. He saw no reason to depart from that principle of conduct on the present occasion. He thought that the office, the salary of which was now under consideration, was one that ought to be maintained with becoming dignity, and certainly he should not stand forward to refuse the necessary allowance for that purpose. He must, however, say, that he objected to granting the salary now required. It had been found necessary to diminish the duties which the Chancellor was called on to perform, and he had been accordingly relieved from a part of his labours. Those labours were thrown upon the shoulders of others, but those who were called on to perform them received a compensation from the public purse. That fact ought to be taken into consideration in settling the amount of this salary. It was alleged that much valuable patronage had been taken away from the Lord Chancellor. That might be; but still, in his opinion, enough remained to satisfy any reasonable person. It had been stated, in 1824, that the average income of the Lord Chancellor amounted to 12,000*l.* a-year—a sum which was occasionally much increased by the emoluments derived from his acting in the Court of Bankruptcy when bankruptcies occurred in great numbers; but surely a time of more than ordinary distress, which produced an increase of the emoluments of the Chancellor's office, ought not to be taken as the standard by which the usual profits of that office ought to be ascertained. The circumstances of the time, the alteration in the value of money, were things that showed the salary ought not to be kept at the same amount as before. In February, 1822, Mr. Brougham proposed a resolution, declaring, ' That it ' is the bounden duty of this House, well ' considering the pressure of public burthens upon all, but especially the agricultural classes, to obtain for the suffering ' people of these realms such a reduction ' of the taxes as may be suited to the ' change in the value of money, and may ' afford an immediate relief to the distresses ' of the country.'* In his speech on that occasion the present Lord Chancellor said —' That the only measure of mitigating ' the great evil which at present oppressed ' society, was to reduce by every expedient ' the burthens of taxation. This was to ' be done by real and efficient retrenchment, not by lopping off the salaries of ' petty clerks, and by little jobs of that ' kind, such as consolidating a few clerkships in one, to serve the dependant of ' some great man. It was not by petty ' unjust savings of this kind that real retrenchment was to be effected, but by ' beginning at the highest and going down ' to the lowest salaries, till every class of ' the State was included. He hoped they ' would not be any longer told that public ' men were not to be borne hard upon, ' when it was the fact that they were the ' only class that had not suffered enormously. He would not say whether they ' ought to be reduced fifteen or twenty ' per cent but they ought to be reduced ' in such a proportion as would be likely ' to give efficient relief to the suffering ' classes of the community.'† At that time the Home Secretary stated, that the salary of the Lord Chancellor did not exceed on the average 12,000*l.* a-year. It was with surprise, after all this, that he heard such a sum as 14,000*l.* a-year proposed for the salary of the present Lord Chancellor. He was fully convinced that there was no individual who was less influenced by a love of sordid gain than the noble and learned Lord, and he was sure that the present proposal was not submitted to the House in that spirit. Indeed, he believed that the noble and learned Lord would not have fixed the salary at so high a sum, had the settling of its amount been left to him. Still, however, he believed that the sum itself would be thought extravagant by the people, and he, therefore, called on that House to do what public duty required in reducing the amount of it.

Lord *Althorp* must say, that he was himself a little surprised when he heard the hon. Member talk of surprise on being informed of the amount of the salary now proposed. One of the first acts of the present Government had been to refer to a Committee the salaries of the higher officers of the State, and that Committee received instructions to declare in what manner and by what amount they could be reduced. When was it that this surprise had come upon the hon. Member? That Committee had recommended the sum of 14,000*l.* a-year as the amount to be fixed for the salary of the Lord Chancellor, so that that sum was not now proposed for the first time to take the hon. Member by surprise. He had no doubt that the country would approve of the present proposal, which, so far from being an increase of the salary of the Lord Chancellor, was a positive reduction. In the year in which the present Lord Chancellor had been paid according to the old system, his income had amounted to 14,600*l.*, after all deductions had been made; but the income was generally higher, and in several instances it had exceeded 18,000*l.* or 20,000*l.* a-year. It was said that the sum which ought to be taken as the proper standard for the amount of a salary was that at which the services of a man fit to fill the office could be obtained. Taking that as the rule, he did not think the present amount too high; for at a less sum it would be impossible to hope to obtain in this office the services of a leading man at the bar, who could never return to the practice of his profession, and who must take the chances of a short tenure of office. He should now only say one word as to the retiring pension. He thought that that pension ought not to take effect till all the sinecure offices attached to the Great Seal were abolished, and when the proper time came, he should propose a clause to that effect,

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* Hansard, (new series) vol. vi. p. 259.

† Ibid. p. 255.

Mr. *Hume* said, it was certainly true that the sum of 14,000*l.* a-year had been recommended by a large majority of the Committee to which the noble Lord had referred—by a majority in fact of fourteen to two. He was, however, one of the two, and he still preserved his opinion. It was true, also, that when Lord Eldon was Chancellor, the emoluments of the office had exceeded 17,000*l.*, 18,000*l.*, and even 20,000*l.* a-year; but the Committee did not found their calculations on that income. They took the income of Lord Lyndhurst, which had averaged 14,000*l.* and a few hundreds a-year. But part of that salary had arisen from the fees in Bankruptcy. Now the Bankruptcy jurisdiction had been taken from the Lord Chancellor, and along with the fees went the labour. It therefore did not appear to him fair that the Chancellor should receive the full amount of fees which he would have received had the duties of the Bankruptcy jurisdiction been continued. This was the only office that had not been reduced: and, he thought, it ought not longer to form the exception. He wished too, that the duties might be further diminished, and that the Speakership of the House of Lords should be divided from the Chancellorship, and that a portion of the salary should be reduced on that account. He should be ready to support any proposition for reducing the salary to 12,000*l.* a-year.

The House went into Committee.

Mr. Sadler moved, as an Amendment, a reduction of 2,000*l.* a-year on the Chancellor's salary.

On the Amendment the Committee divided; Ayes 6; Noes 52—Majority 46.

The other Clauses agreed to, and the House resumed.

GREEK LOAN CONVENTION.] Lord Althorp moved the Second Reading of the Greek Loan Convention Bill.

Mr. *Best* wished to observe, that the noble Secretary of State, on a former occasion, had said that he entertained great hopes, that although this country entered into this guarantee, it would not ultimately be called upon to pay the whole of this money; but the noble Lord did not very satisfactorily explain the grounds of his opinion. He (Mr. Best) was, on the contrary, much afraid, that we should be required to pay the whole sum without the least prospect of its being repaid. Greece was at this moment in a state of anarchy, and how the noble Lord could entertain any hope that a country, in such a situation, would be able, in the course of a year or two, to pay even the interest of this money seemed incomprehensible. The hon. member for Middlesex had given notice of a motion for a Return of the sums which had been already advanced by this country to Greece; that Return had not yet been produced, but he presumed it was intended to repay that sum out of the first instalment of this loan. There would also be a sum of money paid to Turkey on account of the new territory annexed to Greece by the extension of the new boundary line. The amount of this sum had not been stated: perhaps the noble Lord would inform the House what it was. Besides these two charges, there would be other charges to be defrayed; for instance, for erecting fortifications on the new frontiers; whether ultimately to be demolished, as in the case of the fortifications erected at so much expense to this country on the Belgian frontiers, was not ascertained. These several charges would completely absorb the whole of this money. To judge by these protocols, it was expected by Greece that the greater part of this money should be employed in putting that country into a state of defence, and relieving it for a time from the pressure of taxation; but if the money was to be applied to the discharge of former advances, how would it be possible so to benefit Greece, as to enable her to meet hereafter the interest of this loan. Besides, there was another charge imposed upon this money—namely, the relief proposed to be afforded to the refugee Greeks who should have returned to their native country in a state of destitution. When all these charges were defrayed, what residue could there possibly be to be applied for the improvement of the country? Thus were they now called upon to vote, under the delusive form of a guarantee, an actual grant of 800,000*l.* to Greece—and for what? It had not been shown to be for the interest of this country that we should shackle ourselves with such a charge. It had been said, that we were interested in establishing the independence of Greece, in order that the piratical system, so prejudicial to our commerce, might be put down; but there were surely other modes by which piracy might be suppressed in the Mediterranean, which would be much less expensive to this country. He could not, therefore, consent to this money being advanced, unless the noble Lord could state some more specific reasons than had yet been given, and could show that this country was more strongly interested in this arrangement than she now appeared to be. There was one other point in this arrangement which required further explanation—namely, as to the choice of Prince Otho for the sovereign of Greece. He did not mean to draw any comparison between that Prince and Prince Leopold, with regard to their personal merits; but there was one circumstance which demanded particular consideration, and which constituted a very serious objection to the choice now made, and that was, that Prince Otho was a minor; and there was no provision made to prevent any future sovereign of that country being also a minor. But, in the present state of anarchy in Greece, what was likely to be the consequence of a disputed succession. Even in old and firm established governments, many inconveniences arose from the minority of the sovereign; how much more must that inconvenience be felt in so new and unsettled a country as Greece. Under all these circumstances, he hoped that the noble Lord would postpone this question to a time when it could be better discussed. He lamented to see the House so thin, and regretted that a question of this sort should be introduced at such a period of the Session, and at such an hour. It was a circumstance almost unexampled in legislation. If this money were paid away under these circumstances, he should be almost inclined to despair of any future retrenchment in the expenditure of the public money; and feeling that they had no sufficient grounds for proceeding with this measure, he would conclude by moving, that the Bill be read a second time this day six months.

Sir *Francis Vincent* seconded the Amendment, because he thought the Convention would prove onerous to this country, and that it was not calculated to secure the object which it had in view.

Colonel *Evans* said, he understood that the bargain contained in this Convention was almost confirmed before the present Government came into office; and, therefore, it might, perhaps, amount to a breach of faith, if the terms of the bargain were now infringed. He was, therefore, quite prepared to support the Bill.

Mr. *Hume* said, this was an act of the Holy Alliance, of which we had the honour to be one. The speculation now, with respect to Greece, was to send them a king, for which they had never asked. It would be better to leave them to select one for themselves, or allow them to be without a king altogether. To him it seemed a most Quixotic arrangement, and one to which our Government had been seduced by the wiles and artifices of Russia.

Mr. *Ruthven* considered the guarantee the same thing as absolutely giving the money; and he thought that this country had already sufficient loans of its own at home, withont meddling with any foreign one. He should, therefore, oppose the Bill.

Mr. *Courtenay* should not divide with his hon. friend. He had made an attempt the other night to get a short postponement, and though he had failed in that, he could not vote against the measure altogether. He concurred in thinking that we had gone too far in this matter to recede. He could not admit that the late Government was pledged to this particular guarantee to prince Otho; but certainly the transaction, beginning with Mr. Canning, and continued by the Duke of Wellington, had gone too far to admit of its being now broken off, though that arrangement was made by them—not with Greece itself, but with Prince Leopold. In voting for the Bill, he felt that he was voting away 800,000*l.*; for he could not understand how they could ever get the money back. The only ground upon which his noble friend built any hope was, that we might realize a revenue from Greece, because the revenues of the Ionian Islands had been augmented. But how were those islands governed? Ministers did not send out a boy to govern them; but a man—a very full grown man. The noble person destined to take the throne, if he might so express himself, of those islands, had royal blood in his veins, of a much more ancient house than the house of Bavaria. Let that noble person go to Greece, and be the king of that country, instead of the youth Otho, and there would be greater security for the money being repaid.

Viscount *Palmerston* knew, that we might have found in this country candidates for the throne of Greece, with royal blood in their veins, and knew that it was not necessary to have gone far, not further, indeed, than the opposite bench, to have found a person not only with royal, but with imperial blood in his veins; and he could not help expressing some surprise that his right hon. friend, who was himself descended from a Greek emperor, should show so little sympathy for the Greeks of the present day; and that he should have opposed himself to any proposition for their advantage. When he was required to state the amount of the Greek revenue, he begged to say, that when the Chancellor of the Exchequer, whoever he might be, was called upon to anticipate the amount of revenue of this country even for one year only, he always expressed, with some degree of hesitation and doubt, his anticipations of the next year's income; and to call, therefore, upon him, to act the part of the Chancellor of the Exchequer for Greece, and to anticipate what would be the revenue of that country, not for the next year only, but for the next six years, was to require him to undertake a task somewhat difficult, and one which, with all deference, he must decline, seeing that the ablest financiers could not perform it in the best regulated states. His firm conviction, however, was, that the revenue of Greece, under a stable Government, would be amply sufficient to meet the demands upon it, and he believed, that the whole of the loan would not ultimately be required to be raised. At the same time, he would not ask the House to come to this vote upon any such supposition; because the engagement went to the full amount of the loan. One hon. Gentleman had asked, what was the amount of the compensation to be paid to Turkey on account of the cession of territory consequent upon the extension of the northern frontier of Greece: the total amount, he believed, would not exceed 500,000*l.*: it had not been officially stated by our ambassador at Constantinople, but he believed that was the sum agreed upon between the ministers of the Three Powers and the court of the Sultan. That sum would amount to very little more than half of the first instalment out of the three which were to be paid. The first instalment would be 800,000*l.* (the whole amount of the loan being 2,400,000*l.*) he, therefore, did not anticipate that more than the first and second instalments would for some time be required. The hon. Gentleman said, that he did not see the value of these frontiers; and he observed, that we had already been at very great expense in providing a frontier and erecting a barrier for Belgium, a great part of which we were now going to demolish; and so here he insinuated, we were also incurring great expense for the purpose of erecting a barrier for Greece, which, he meant to infer, we should, at some future time, find it necessary in like manner to demolish. But the hon. Gentleman forgot, that in this instance, nature had made the barrier, having heaved up a large and lofty chain of mountains, more effectual than any fortifications of art, and the time was not likely to come when we should be called upon to pull down that chain of mountains. If the hon. Gentleman would only consult the map, and look at the nature of the country, he would find that the acquisition of the two districts which this new line of frontier gave to Greece, was of the utmost importance to that country. The people of those two districts, Arcanania and Ætolia, were essentially Greek. They were that part of the Greek nation which never, even in the most prosperous time of Turkish power, submitted to its domination. They formed the most warlike portion of the Greek forces, and to have placed them under the dominion of the Turks, would, in the first place, have been impossible; and if possible, would have been a cruel act. A nominal transfer would not have been followed by submission; a continual mountain warfare would have been kept up by the people against the Turks; and so far from such an arrangement effecting the pacification of Greece, it would have sown the seeds of perpetual discord in that country. It was, therefore, not only an act of justice to attach those districts to Greece, but it was most essential to the attainment of the object for which our interference originally took place. But, said the hon. Gentleman, what interest had England in this matter? Why should we interfere about Greece? And that opinion, he was sorry to say, had been expressed by the hon. member for Middlesex also, who had described our proceedings with respect to Greece, as a Quixotic interference, uncalled for by the interests of this country. That was easily said in the year 1832, when the Greeks had been emancipated from Turkish slavery by the arms of the Three Powers concerned in this Convention; but if that language had been held some years ago, when the Greeks were struggling for their independence, and when the whole of Europe was warmly interested in their fate, and when there was hardly a man who did not sympathize with their sufferings, and demonstrate his sympathy by that most indisputable of all proofs, subscribing his money—if such language as had fallen from the hon. member for Middlesex, had been then uttered by any man, that hon. Member would have been the first to reprobate it with his utmost indignation. It was only necessary to look back at the state of the question, when our interference began, to see that then it was the general opinion, that Europe had an interest in the emancipation of Greece. But taking the most vulgar view of the matter, one solely of profit and loss, was it not notorious, that our commerce was experiencing continual interruption, and exposed to most serious excesses, from the system of piracy which arose from the struggle, and from the want of a settled government in Greece? And would the hon. Gentleman say that this was not a matter of very serious importance to this country? But he could not so narrow his views as to judge of a great political question by looking at the two sides of a money account, or even to estimate the merits of the arrangement by the question whether this country might or might not ultimately have to pay part of the interest of this loan. He could not think that England, in restoring that nation, be it ever so barbarous now, and be the people as full of faults as possible (and it was very natural that they should be so, seeing that they had lain for centuries in abject slavery, under a Government not remarkable for intellectual attainments, or amiable deportment towards its dependents)—be the people ever so barbarous now, he could not conceive that England in restoring them to a state of independence, by which their native home again became the seat of civilization, and a living member of the nations of Europe—he could not conceive, that England in doing that, served no interest of her own. The interests of civilization, the interests of commerce, and the interests of political independence, were all the interests of England, and all had been signally promoted by the emancipation of Greece. But, he said further, that we had no choice; at least, the only choice was this—whether we would assist to free Greece in conjunction with Russia and France, or allow Russia to make the country dependent on her. He asked whether we ought to have left Russia to settle this question single-handed? If she, unaided, had rescued Greece from the dominion of Turkey, would she not have acquired a paramount claim to the eternal gratitude of the Greeks; and would she not thus have established an influence which would have made Greece practically a Russian province? He did not think that those Gentlemen who had dissented from this vote would have been prepared to approve of such a result; and if not, then the only course left was the course we had followed. First, we united with Russia; and then we got France, the other great maritime power of Europe, to join us. It was, therefore, both for the honour and for the permanent and well-understood interests of this country, that England should have contributed to rescue Greece from the dominion of the Turks, and to restore her to her rank among the civilized nations of Europe. But the hon. Gentleman said, "You have given her a boy for a Sovereign; and have not established the Salic law;" and, said the hon. Gentleman, speaking in a country in which in all human probability the next reign would be that of a queen—"It would be impossible Greece could prosper, if at any time the throne should devolve upon a female." He was astonished at this objection. Looking at times past, and remembering that some of the most glorious periods of our annals had been the reigns of females, he was utterly surprised to hear such an objection. The hon. Gentleman said, "I do not object to a male filling the throne of Greece; but if a female should ever reign, then there must be a disputed succession." He did not exactly understand the logic of that argument, nor could he perceive what was the necessary connexion between a disputed succession and a female reign. He admitted that an objection might arise from the youth of the prince chosen for the throne of Greece. It would certainly have been desirable to have selected a prince of such an age as would have enabled him at once to assume the reins of Government at the moment of his arrival. But, after having endeavoured in vain to find such a person, with the other requisite recommendations, the Three Powers ultimately felt that, taking all things together, there was no choice so much to be preferred, as that of Prince Otho. It was, in the first place, desirable that the person chosen should belong to a reigning house; without any prejudice in favour of particular families; because it was desirable that the sovereign of Greece should be connected with some family reigning over a state of some political consequence in Europe. In the next place, the person to be selected should be one who would be able to bring with him adequate means for consolidating the Greek throne; such as pecuniary resources, able councillors, and a small body of troops. In the first place, then, prince Otho belonged to a royal family, the most considerable of the second order of the states of Europe: next, he belonged to a country of free institutions, and that was important. At least he should not have wished the person destined to reign over Greece, to come from a country of despotic institutions, and who necessarily would have carried with him (especially if he had arrived at man's estate) ideas, as to the forms and principles of government, inconsistent with those entertained by the nation over whom he was destined to reign. Then, further, Prince Otho went accompanied by three persons, whose names he did not feel at liberty to mention, though he believed they were already fixed upon, of great eminence and talent, of much experience in public affairs, and peculiarly well qualified to administer the affairs of Greece and to establish order in that country. For these reasons he thought that the choice made of prince Otho was, under all the circumstances, the best that could be made: particularly as the king of Bavaria, from the commencement of the Greek revolution, had manifested great sympathy for the Greeks. Many Bavarians had given distinguished assistance to them, and thus a connexion had already been established between the Greek nation and Bavaria. But the hon. member for Middlesex said, he should wish the choice to have been left to the people of Greece, and he seemed to think that the Greeks would be better without any king at all. To suppose that, in a nation so divided by party-differences as Greece unquestionably was, after achieving its independence by individual exertions, rather than by union under one leading chief—to suppose that, in a nation so circumstanced, the people should agree to elect one of themselves to be their king, was to suppose that which was almost impossible. Such a consent could hardly be looked for in any country, but least of all in Greece. But so far from their not wishing to have Prince Otho for their king, he could assure the hon. Member, that there had been received from all parts of Greece thanks to the Three Powers for having selected Prince Otho; and addresses to Prince Otho himself, from most of the principal Greeks, expressing their satisfaction at the selection, and requesting him to proceed to their country with the least possible delay. Greece now felt, that peace and prosperity could only be obtained upon the arrival of her king. The hon. Gentleman opposite (Mr. Best) thought that Prince Otho anticipated a speedy return to Bavaria, because the prince had retained his present appanage. Now that appanage was retained expressly with the view to relieve the revenues of Greece for the present from the burthen of wholly supporting the king; and as to the expense of Prince Otho's court, he could assure the hon. Member, that, so far from being established upon a scale of splendid magnificence, it would be framed with the utmost moderation, and the greatest attention to economy. With regard to the original Greek loan, he begged to say, that nothing could be more true, than what was stated by his noble friend, the Chancellor of the Exchequer, namely, that almost the only chance the creditors of that loan had of recovering their money, was by Greece becoming permanently an independent state; and if this could not be done without raising this new loan, then no persons were more deeply interested in carrying the present arrangements into effect, than those who advanced the former loan. There would be no prospect of their ever recovering their money if, by the failure of the present arrangements, Greece were to relapse under the dominion of the Turks, or remain in her present state of anarchy. It had been said, that this was a new arrangement made by the present Ministry; but, far from that, he could not repeat too positively that the papers laid before the House by the last Government in 1830, showed most clearly that this was an engagement, previously entered into by the Three Powers by a protocol, which was a binding diplomatic instrument, and that this protocol was formally communicated by them to the government of Greece, which government acknowledged with thankfulness, as a proof that the Three Powers took an interest in the welfare of Greece, not only by sending it a king, but also by affording it the means of establishing him on his throne. But he had further proof of the position he was now arguing, besides the fact of this communication to the Greek government; though this he considered conclusive. If the engagement had been made with Prince Leopold personally, why should it have been formally communicated to the government of Greece at Napulia? If it were a personal engagement with Prince Leopold, why should these words appear, namely, "The Three Powers guarantee to the new state?"—to the "new state," be it observed, and not to "Prince Leopold." But what happened subsequently? The government of Greece applied to the Three Powers to make a pecuniary advance; and the Government of England did make an advance to Greece of 20,000*l.*, which was to be repaid out of the loan when made. That was an answer to the hon. Gentleman who asked what money had been advanced to Greece; there was an advance of 20,000*l.* in 1830, which would be repaid out of the first instalment raised by the Greek government; therefore, so far from this vote having the effect of producing any expense to the public, he might be wrong, but he was convinced that we should not be called upon to pay any portion of the interest; it would actually enable us to get back the 20,000*l.* already advanced. It had been said, that we were undertaking this guarantee wholly to please Russia, and that, in the Greek arrangement, we were following blindly the policy, and doing the work, of the Holy Alliance. If he had any understanding of the meaning of that name "Holy Alliance," it was an engagement between sovereigns to dispose of nations without their consent, and intended to prevent the establishment of free institutions. Nothing could be more entirely different from the objects of the Holy Alliance than the engagement of the Three Powers to establish the independence of Greece. It was an engagement entered into to support the Greeks, then in a state of slavery, and while the Turks were waging against them a war of extermination—a war in which the utmost bravery, and the sacrifice of everything which made life valuable, were insufficient to enable the Greeks to contend successfully against their opponents;—it was an engagement to rescue a country long covered with darkness and immersed in barbarism, and to give it a new existence among the civilized nations of the world; it was an engagement for converting that country, which had for centuries been a political blank, into what he hoped it would some day become, a centre of civilization, a seat of commerce, a land of happiness and well-regulated freedom. He therefore thought that it was impossible to state two objects more entirely different from each other than the purposes for which the Holy Alliance, as it was called, was supposed to have been instituted, and the purposes of the Greek Treaty of 1826. However indisposed the House might be, to enter into guarantees of this kind, and however he might dislike and disapprove of such engagements in the abstract, yet he did trust that this was a case which the House would think ought to be made an exception to the general rule. That Parliament was bound by the engagement which the Crown had made, he would not say, for the very proposition which he was making was founded on the assumption that Parliament was free to adopt or to refuse it; but, in point of honour and good feeling, he trusted, the House would think that it ought to enable the Crown to conclude a transaction in which we had been honourably engaged for several years; while a regard for our national character, as well as for our commercial and political interests, ought to lead us to complete the settlement, which, in conjunction with the other Powers, we had honourably undertaken.

Bill read a second time.

PARTY PROCESSIONS' (IRELAND) BILL.] On the Motion of Mr. Stanley, the House resolved itself into Committee on the Party Processions' (Ireland) Bill.

Mr. *Shaw* protested against proceeding with the Bill at that time of the Session, when so many Irish Members were out of town, relying on the Bill not being brought forward this Session.

Mr. *Stanley* expressed his determination to proceed with the Bill. If the Irish Members conceived the Bill was not to come on, the misapprehension was their own. There was no understanding that the Bill should be dropped.

Mr. Shaw moved that the Chairman do report progress, and ask leave to sit again.

On this question the Committee divided: Ayes 4; Noes 38—Majority 34.

The Committee subsequently divided several times on similar Motions, or Motions intended to prevent the progress of the Bill, but finally the Bill went through the Committee, and the House resumed.

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HOUSE OF LORDS,

Thursday, *August* 9, 1832.

MINUTES.] Papers ordered. On the Motion of the Duke of RICHMOND, Copies of the Reports of the Commissioners of Emigration.

Bills. Read a second time:—Speaker's Annuity; Land Tax Commissioners; Special Constables (Ireland).—Read a third time:—Glass Duties.

Petitions presented. By the Earl of SEFTON, from King's-bridge; by the Bishop of LONDON, from Bishop Stortford; by the Earl of CHARLEMONT, from Loughall; and by Lord HOLLAND, from the National Political Union, against the Punishment of Death for Forgery.—By the Earl of CHARLEMONT, from Armagh, for Poor Laws to Ireland; and from Lower Killeary, against Tithes.

COMPOSITION OF TITHES (IRELAND.)] The Marquess of *Lansdown*, in rising to move the Second Reading of the Bill for rendering Composition for Tithes compulsory in Ireland, felt that it was incumbent on him to say a few words in explanation of the nature and objects of the Bill, of the provisions of the Bill, and the grounds on which his Majesty's Ministers thought fit to recommend it for their Lordships' adoption. And he thought that this was the more incumbent on him, because he had reason to believe that the objects of this Bill were very much misunderstood and misrepresented even in this country; but more especially in Ireland. The object of the Bill was generally to carry into effect a suggestion which had been made by the Committees of this, and the other House of Parliament, which was, that the system of composition for tithes ought to be made uniform all over Ireland. Voluntary compositions were already made in respect to the payment of tithes, over, perhaps, two-thirds of the country, and the object of this Bill was to render these compositions compulsory, uniform, and permanent. This the present Bill did, by enforcing the provisions of the former Composition Act where voluntary compositions had already taken place; and where no voluntary compositions existed, the Bill enabled and required the Lord Lieutenant of Ireland to appoint two Commissioners to carry into effect compositions; and the whole would thus be rendered uniform, compulsory, and permanent; subject, however, to such variations as might be deemed necessary or expedient. The Bill also provided that these compositions should be made, not only on the principle of the average value of the tithes during the seven years preceding the making of the compositions under the former Act, but that in cases where it should appear that the evidence as to the value had been defective, the composition should be altered, and made on the average of the last seven years. The Bill having thus provided for rendering the composition for tithes uniform, compulsory, and permanent, also enacted that, in all future cases, the burthen of the composition should be thrown on the landlords. But as it would be hard on landlords, that this arrangement should take effect as to lands held under existing leases, this was an excepted case. It was provided, however, that the payment should be thrown on the landlords on the expiration of the existing leases; and in order to create a temptation and an inducement for the landlords to take upon themselves the collection and the payment of tithes, even under existing leases, the Bill further provided that where the landlord should in these cases take upon himself the collection of the tithes, and the payment of them to the clergyman, he should be entitled, as a *bonus*, to deduct from the amount, thirteen per cent, and six months' time was allowed him to consider whether he would undertake this collection and payment; and, in case the landlord should decline to undertake, and to avail himself of the advantage thus held out to him, it was provided that the same advantages and equitable terms should be offered to the person next to the landlord in interest. This was nearly the whole scope of the Bill, and he did not think it necessary to say any thing further on that head than to state, that if any of their Lordships should think any further explanation necessary or desirable, he should be ready to give any further explanation either now, or in the Committee. Having thus, then, explained the nature and provisions of the Bill, he would, in the next place, proceed to state the grounds on which his Majesty's Ministers had thought it proper to propose it to their Lordships for their adoption; and this he considered himself the more called upon to do, because the object, purpose, and effect of the Bill had been very much misunderstood and misrepresented. It had been said, that the object of this Bill was to create a new title to tithes, and that it was intended by it to preclude all legislation on the subject in future, and all alteration or improvement in the manner of their distribution. That was entirely a mistake, and a misrepresentation of the nature and objects of the Bill. It contemplated no such purposes as these, but, on the contrary, left it entirely open to Parliament to deal at a future time with the distribution of the tithes, and all other matters connected with them, in such a manner as should appear just and equitable, having a regard to the nature of the property and the objects for which it existed. It would be perfectly open to future Parliaments to deal with the subject of tithes in any way that justice and equity would warrant, without being in the slightest degree influenced in their determination by tumultuous assemblies, or other improper proceedings. So far was it from the intention of his Majesty's Ministers to preclude such alterations in regard to the subject of tithes, as might be expedient and just, it appeared from the preamble of the Bill, and from the Reports of the Committees of this and the other House, that the provisions in respect of tithes could not rest here, and this Bill was only a preparatory step to such further arrangements as the nature of the property would allow, and the interests and prosperity of Ireland would require. The matter was of very great importance, and the subject was one which required great caution and consideration in dealing with it; but it was intended, as soon as possible, to proceed to make some further arrangements, in order that, if possible, all differences between the tithe-payer and the clergy, or other tithe-owners, might be done away. He would not have proposed this Bill to their Lordships, unless as a necessary step towards further arrangements for the final and satisfactory settlement of the subject of tithes. But this Bill was a necessary step towards accomplishing these further arrangements; and it was upon that ground that the Bill was now proposed to their Lordships for their adoption. It certainly was to be hoped, that the temptation which it held out to the landlord to undertake the collection and the payment of the tithe, would prepare the way for, and lead to, the accomplishment of the great object of a final, permanent, and satisfactory settlement. In this manner the clergy, without being exposed to constant disputes and differences with their parishioners, would receive those payments to which they were justly entitled, and in a manner which would not interfere with the due discharge of their sacred functions. These were the objects contemplated in proposing the Bill to their Lordships; and in framing its provisions, the greatest possible attention had been paid to the interests of all persons concerned. He moved that this Bill be now read a second time, with a view, in case it should be now read a second time, to move that it be committed to-morrow.

The Marquess of *Westmeath* had, at the beginning of the Session, fully expressed his opinion on this subject, and he could not but regret that this Bill was not accompanied by a bill for the commutation of tithes, and such other bills as might be necessary to settle the question. He gave credit to his Majesty's Ministers for their exertions on this subject as far as they had gone, but their language in the early part of the Session had led many to conclude that this was not the only measure on the subject of tithes which they intended to propose before the Session should terminate. The Bill now before their Lordships was very unsatisfactory, when not accompanied with a bill for the commutation of tithes. That measure of commutation was one of such importance that it ought to have been passed in the course of the present Session; and if the attendance of their Lordships should not be such as was desirable, it ought to have been passed with such an attendance as could be got. The present Bill standing alone would certainly not prove satisfactory, and the intentions of Ministers, as explained by the noble Marquess, would be very much misrepresented in Ireland. But as this was, perhaps, the last time that he should have an opportunity of addressing their Lordships in the course of the present Session, he would ask the noble Earl at the head of the Administration, in what manner it was proposed by Government to meet the dangers to which Ireland was at the present time exposed? Did they mean to propose any remedy for the evils to which that country was at the present time exposed? and, if they did, what was that remedy? The times were most critical in Ireland, and the state of that country was such, that the common law was a dead letter, and as completely disregarded as if no such law had ever existed. The proceedings at Kilkenny were too notorious to require any comment from him at present: and the proceedings in the county of Kilkenny were not the only proceedings which showed how little the law was regarded, and how incompletely it was enforced. In the county with which he was more nearly connected, the state of the calendar at the last gaol delivery, as he was informed by letters from that county, was this: it contained 252 offences; and although there were among these, six murders, not one capital conviction took place. At the previous gaol delivery, there were only sixty-four offences. It appeared from letters which he had received, not officially, but from his private friends, that the well-disposed people in Ireland were in a state of the greatest alarm; that they were threatened with robbery and assassination in open day, as well as during the night; that gentlemen and their stewards were directed, under threats of assassination, whom they should, and whom they should not employ; and one gentleman was threatened to be murdered unless he took his labourers into his own house, and treated them in a manner prescribed to him. Such was the state of Ireland, and he thought that an exposure of that state was not unconnected with the subject now before the House. He was aware that the noble Earl at the head of the Administration had strong prejudices against his opinions as to the proper course to be adopted for putting an end to the state of peril in which Ireland was at present involved; but he could not conceive how any Ministry could allow such a state of things to continue without proposing some remedy. At present, no law was regarded in Ireland, and how could the Ministers leave the country in such a state? Disturbances of this kind had on former occasions prevailed in Ireland, but then effectual remedies were applied. Now, however, a new light had broken out on the Government, and the disturbances were allowed to go on without any attempt at applying a remedy. The Protestant ascendancy, which had prevailed in Ireland, might or might not be impolitic. He did not enter upon that subject at present; but, be that as it might, something ought to be done to put an end to the existing evils. He asked again, how could the Ministers leave Ireland in its present state, and did they not propose to apply any remedy to the existing dreadful disorders? He hoped the noble Earl at the head of the Administration would explain the intentions of Government in this respect.

Earl *Grey* was of opinion, that the principal part of the speech of the noble Marquess had very little connection with the subject now before the House. No doubt the subject of the present Bill was connected with the internal state of Ireland, but the noble Marquess had introduced in his speech much extraneous and irrelevant matter. It was not his intention on the present occasion to enter upon any discussion of the existing condition of Ireland; but he was ready to admit, that it was in a very peculiar state. But it was at least very consolatory to know, that there existed very strong prospects of material improvement in the state of Ireland; and if the agitations and distractions occasioned by conflicting parties would only cease, these improvements would certainly follow. There was no country more susceptible of improvement, and nothing prevented these improvements from immediately commencing, and rapidly advancing, except these party agitations. The noble Marquess asked what was to be expected from his Majesty's Ministers in the present state of Ireland? His answer was, that what was to be expected from Ministers was, an anxious attention to the interests of the people of Ireland, and the strongest disposition to maintain the peace of that country, and to preserve the authority of the law in that country. The noble Marquess had manifested a great inclination to find fault with the conduct of Government in regard to Ireland, although the censure did not come very well or very appropriately from him. There was no want of anxiety or zeal on the part of the Government to enforce the law; and if those persons who were most ready to attack Ministers had properly supported their exertions to enforce the law, each in his respective situation, the state of Ireland might at this time have been very different from what it was. Still, although Ministers had not been supported in some quarters as they ought to have been, the Special Commissions which they had appointed, and the other exertions which they had made to maintain the peace of the country, had been attended with very beneficial effects. Turbulence and disorder had been repressed in several counties, and even in the county of Tipperary a very material improvement had taken place. In answer, then, to the question of the noble Marquess, as to whether any new measures were to be proposed by Ministers to put an end to the disorders in Ireland, he had to state, that not seeing the absolute necessity for extraordinary measures, and being extremely averse to have recourse to any such extraordinary measures, except in cases of absolute necessity, he had no intention to propose any extraordinary measures for adoption in the course of the present Session. He certainly felt a very great aversion to adopt any measures incompatible with the ordinary powers of the Constitution, and nothing would induce him to resort to them, except a case of inevitable necessity. But when the noble Marquess said that the existing laws were a dead letter, he would ask what remedy would the noble Marquess propose to adopt? Would he propose the re-enactment of the Insurrection Act? If the noble Marquess wished to apply that remedy, then he said that this would be no remedy at all for the existing evils of Ireland. The true remedy consisted in the vigorous exertion of the existing laws; and if these should, after all, fail of effect, it would then be time enough to propose to arm the Government with additional powers, and in that case, it would be the duty of Government to apply to Parliament for such additional powers. That, however, was a measure to which Ministers had no intention to resort, till the necessity should clearly and unequivocally show itself. If the necessity should become manifest, Ministers must, of course, do their duty. As to the proceedings in the county of Kilkenny, he most sincerely regretted that they had taken place; but he hoped that proper means would speedily be resorted to for the securing to the Church the payment of tithes. With respect to the complaints of the noble Marquess, that other bills on the subject of tithes had not accompanied the present Bill, the reasons for that were sufficiently obvious. The subject was of very great importance, and surrounded with very considerable difficulties; and it was hardly possible for Ministers to bring forward the whole of their proposed measures on this subject in the course of the present Session. This must be obvious to any one who considered the many other important matters which had demanded their attention.

The Marquess of *Westmeath* denied that the gentlemen of Ireland had been deficient in their exertions to support Ministers in carrying the law into execution. He admitted that the Ministers had done all that the existing laws enabled them to do.

Earl *Grey* observed, that the Judges of Ireland had complained of the non-attendance of the Magistrates in the very county with which the noble Marquess was more particularly connected. The noble Marquess admitted that the Ministers had done all that the existing laws enabled them to do; and that being the case, he again asked the noble Marquess, what were the other measures which he would have them adopt?

The Marquess of *Westmeath* said, that it was not incumbent on him to suggest measures to Ministers.

The Earl of *Caledon* wished to know, whether or not it was the intention of his Majesty's Government to issue from the Exchequer Loans at low interest for the purpose of enabling landlords to redeem their tithes?

The Marquess of *Lansdown* said, that nothing was more to be desired than that some facilities should be given to enable landlords to effect the redemption of which the noble Earl spoke; but, though his Majesty's Government had been most anxious to have carried through Parliament the whole of the bills which they deemed necessary to the completion of the measure in question, yet, as they had thought it proper to yield to the representations of Members of the other House connected with that part of the United Kingdom, it would not be in their power to say any thing decisive in reply to the question of the noble Earl, until the whole proceeding was finished.

The *Lord Chancellor*, in reference to the observations of the noble Marquess (Westmeath), in which he called upon his Majesty's Government to introduce new legislative measures for the pacification of Ireland, begged to remind the House that considerable difficulties stood in the way of any such proceeding, even though it should be necessary or desirable. In the first place, there was a material difference between the law of England and Ireland in reference to that object. The extension of the Habeas Corpus Act to Ireland had been, comparatively speaking, but recent; that event having taken place near the close of the American war, in the 21st and 22nd George 3rd; and, though the writ of Habeas Corpus was now in use in that country, yet the Act by which such use had been created, was not the same in its enactments and provisions as the Act of Charles 2nd. The English Act of Habeas Corpus, too, contained a clause against the imprisonment beyond the seas, of any of his Majesty's subjects; and, if he did not very much mistake, there was no such clause to be found in the Irish Act. There was another most important matter connected with the Irish Act, to which he wished to draw particular attention—namely, that it invested the Lord Lieutenant with power to do what, in this country, was called suspending the Habeas Corpus Act, without, as in England, coming to the Legislature for that purpose. This power was of course limited to cases of invasion by a foreign enemy, or to domestic rebellion; but, as a lawyer, as well as a Member of that House, he did not hesitate to say, that rebellion as much consisted in such acts, or such a course of conduct, as by bringing together, in any part of the empire, great assemblages of people, and producing such excitement as to place the laws in a state of abeyance, and, in a word, to annihilate their operation, accompanying such conduct by acts of outrage, conformable to the design of compassing those objects —as a lawyer, he would say that was as much rebellion as any other act, or any course of conduct. Further, too, whatever was decreed rebellion by the Executive Government for the time being, was so in law to be considered. The Executive Government, then, was to be the judge of that in which rebellion consisted; and certainly the state of things to which he alluded was, in all reason and common sense, rebellion, as truly as the insurrection of a whole province, or the bringing out bodies of armed or disciplined men to oppose by force the constituted authorities of the land. Those acts were admitted to be acts of rebellion by the universal consent of the least informed of mankind; but there was no one familiar with public affairs who would not readily acknowledge, that the other proceedings to which he adverted were likewise acts of rebellion. In such an event, he had no doubt that the Government, proceeding upon its own responsibility, would manfully exert the authority which it possessed; at the same time that he could not view, otherwise than with the utmost repugnance and abhorrence, the necessity for even exercising its judgment on such a question. He had the gratification to remember, that the power of the Executive Government of Ireland was in vigorous hands, but, at the same time, in hands which would not, for any consideration under heaven, save the preservation of the empire, and the well-being of the people themselves, stretch it one inch beyond that limit which those principles demanded, but which would undoubtedly not fail in energy whenever energy was required; and he was well convinced, that well-timed vigour, whenever it became necessary, was not only statesman-like wisdom, but real humanity.

The Duke of *Wellington* gave Government credit for a sincere desire to restore the tranquillity, and promote the prosperity of the Irish people, as well by other measures, as by the set of bills of which the present was one; he, therefore, hoped that the Motion now before them would be agreed to unanimously, for he entertained an earnest hope that it would be attended with success.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, *August* 9, 1832.

Minutes.] Papers ordered. On the Motion of Mr. Spring Rice, an Account of the Revenue derived from the Post Office in Downpatrick, Killyleagh, &c., for the last three years.—On the Motion of Mr. Hume, a List of Persons now receiving Pensions for Diplomatic Services, the Date of the Commissions of every Officer now in Command of a Regiment of Cavalry, and Accounts of the Sums levied by the Commissioners of Sewers in the different Metropolitan Parishes.—On the Motion of Mr. Courtenay, a General Statement of the Exports and Imports of the United Kingdom, for the year 1831, ending January 5th, 1832; and a Copy of the Frankfort Tariff referred to in the Treaty of Commerce and Navigation with that Free City, signed at London, May 13th, 1832; and also a Copy of the Convention signed at Mayence, on 31st March, 1831.—On the Motion of Mr. Burge, Copies of Papers relating to Jamaica and Antigua.—On the Motion of Mr. Harvey, an Account of the Number of Causes pending before each Master in Chancery in Trinity Term 1825, and each succeeding year; and of the Number of Causes standing for Trial on the 1st of August, 1832, in the Courts of King's Bench, Common Pleas, and Exchequer, at Westminster.

Bill. Read a second time:—Land Revenues (Scotland).

Petitions presented. By Mr. Vernon Smith, from Dissenters of Chester,—for the Abolition of Slavery,—in favour of the Ministerial Plan of Education (Ireland),—and for the Abolition of Hindoo Infanticide.—By Mr. Shaw, from the Attornies and Solicitors of Ireland, for the Repeal of the Stamp Duties on Attornies Certificates; and from three Places in Ireland,—against the Ministerial Plan of Education (Ireland).—By Mr. Sadler, from Salford, in favour of the Factories Regulation Bill.—By Mr. Hughes Hughes, from the Tradesmen of the Metropolis, for the better Observance of the Sabbath.—By Mr. Ryder, from

Cranbrook, for an Inquiry into the Case of Private Somerville.—By Mr. Spring Rice, from Chorley, against the Vagrants' (Scotland and Ireland) Removal Bill; from Lisburne, against the Punishment of Death; and from Moycullen, for an Amendment of the Grand Jury Laws (Ireland).

Reform—Payment of Rates.] Colonel *Evans* moved for Returns, showing the number of houses assessed to the Poor-rates and Assessed-taxes, and the number of persons who had paid those rates in each of the parishes of the forty new boroughs, up to the 31st of July, 1832.

Mr. *Hume* regretted that the noble Lord had given up his intention of extending the time to the 20th August, as he knew that many of the voters had been taken by surprise. The number of voters would be very small in almost every place, and it would not give satisfaction to the country except some remedy were provided.

Lord *John Russell* stated, with respect to scot-and-lot voters, that to secure their elective franchise they must have paid their rates before the day of registration, just as if that had been the day of election. He had no objection to the Returns.

Lord *Althorp* said, that he had had no resource, for, after the opposition that had been offered to the Bill, what would have been the use of allowing an extension to the 20th August, when the Bill could not have become law till after that time?

Mr. *Hume:* Then why not extend the time to the 20th of September?

Lord *Althorp:* The effect of that would have been to have prevented our having a new Parliament this year. I know that a gallant friend of mine has a motion for an address, praying for the re-assembling of the present Parliament; but that is an arrangement to which I can by no means agree.

Colonel *Sibthorp* said, that the Reform Bill was worse than the cholera morbus: the people could not get it up or down. He was very glad to hear that king of Reformers, the hon. member for Middlesex, say, that the detestable Bill (with which, thank God, he had had nothing to do) would not give satisfaction to the country. The present difficulty was only the commencement of dilemmas which would result from disturbing the ancient Constitution of the country. These proofs of the detestable character of the detestable Bill ought not to surprise any body—they did not surprise him.

Motion agreed to.

Colonel *Evans* then moved for a return, from the city and liberties of Westminster, of the number of persons who had paid Poor rates up to July 31st.

Mr. Alderman *Venables* supported the Motion. The Returns would be most useful, if the Government were not already persuaded of the immense numbers of persons who were disqualified, in consequence of not having paid within the specified time. There were many boroughs now with a much less constituency than they had possessed previously to the passing of the Reform Bill; and there was great dissatisfaction throughout the country, in consequence of the limited time given for the payment of the rates. The regulation requiring such payment caused great complaint. He hoped the Government would see the necessity of adopting some remedial measure.

Lord *Althorp* said, that he had not heard of many such cases; he had, indeed, heard it rumoured that many of the electors objected to the payment of a shilling for registration: but if that were true, he suspected that they could not set much value on the elective franchise which was within their reach.

Mr. *Robinson* admitted, that an immense number of voters had been disqualified in consequence of not having paid the rates within the time named. Many might have wilfully neglected, and others omitted from mistake; but as the Reform Bill had passed, he thought it highly desirable that there should be a Parliament elected on the full, fair, and free operation of its principles. He, however, doubted not that many had been taken by surprise, and he therefore thought some remedy ought to be afforded.

Lord *Althorp* reminded the House that one of the conditions of the Reform Bill—a test by which the right to vote in certain cases should be tried and proved—was the payment of rates and taxes within a given period. As to the surprise, he could hardly see how it could have occurred. Great publicity had been given to the measure. This clause had been in the Bill since December; it had been much discussed, and it had been frequently published in almost every possible way. He thought the fullest notice had been given, so as to guard against, and to leave no room for, a charge on the ground of surprise. One principle or condition of the Act being what he had described, it was not fitting that Parliament should be called upon to alter that principle of it, even though the enforcing of it led to disfranchisement. The parties had possessed the opportunity to complete their qualification. If they neglected to comply with the condition, theirs was the fault; they had only themselves to blame. He could not bring himself to think it possible that there had been surprise to that extent which some would have them believe. He, however, had been willing to extend the period for paying the taxes and rates (in certain cases) to August 20th; but it would have been impossible to extend it to September, without causing great delay in the registration, and altering all the dates of the proceedings—delay that would have rendered dissolution of the Parliament this year impossible.

Mr. *Harvey* considered that the apprehension which had, on previous occasions, been mooted as to the probability of our having a Parliament returned by a constituency so confined as to numbers as to render the returns something very like those of rotten boroughs was decidedly an overcharged apprehension. The cherishing any such notion would leave the House to infer that the people, the friends and supporters of Reform of Parliament, had been most supine in the matter. Now, granting this to be the case, still it was the duty of the Government to correct, as far as lay in its power, any such anomaly. But it was impossible to suppose men so apathetic. The great advantage of the Reform measure was this, that it threw upon the people the great responsibility of choosing their own Representatives; and though he regretted the inadvertency which had allowed so little time for voters to pay up their rates, and which had thus incapacitated an immence mass of them from voting, he still believed, that, throughout the kingdom, there was a sufficient aggregate constituency, and that the active exertions of that constituency only was required to realize all the benefits which were contemplated from the Reform Bill. He thought that the Returns which had been moved for, for the purpose of ascertaining what amount of Assessed-taxes was due in July last, and what arrears there were in April last, would have the effect of showing whether the non-payment of these taxes, on the 20th July last, did or did not arise from an indisposition on the part of the rate-payers to qualify themselves for voting.

Mr. *C. W. Wynn* thought, that a very great portion of the new constituency would be disqualified, in consequence of not having paid up their rates. It was a subject of regret that a longer period had not been allowed to make up the lists when the Bill was in the House. It might be argued that this Bill was a considerable time under discussion, and that the period for paying up the rates must have been generally known. But the truth was, that although this and other points were under discussion in this House, that degree of publicity was not given to the discussion of the details which was desirable. That was particularly the case in the distant parts of the country, where the persons entitled to vote would, probably, only see a weekly newspaper, which contained none of these discussions on the details. He was aware of the reasons which would make his Majesty's Government unwilling to re-assemble this Parliament; and it was desirable, he admitted, that the new Parliament should assemble at as early a period as possible; but if a very large portion of the new constituency had not qualified, it would be advantageous to have a short Session of the present Parliament. It should be recollected that the old custom was to pay up the rates immediately before an election, and even on the hustings, and that practice was likely to influence the conduct of many in abstaining from paying their rates. It was the duty of this House to induce every one qualified to place his name on the register; though it was extremely difficult to induce many to do so, and rather than take any trouble, they would give up their right to the franchise. Tradesmen very often said, that they had no wish to possess the franchise, and that, if they placed their names on the register, they must disoblige some of their customers. Such persons had no right to complain; but, at least, every facility should be offered to those who chose to qualify, to place their names on the register. He was quite sure, however, that not one-third of this class of persons would take the trouble to qualify themselves. The only attempt that had been made at a registration in England was by Lord Stanhope's Act of 1787, by which it was enacted that no person should be entitled to vote whose name was not in the register. He was a boy at the time, but he remembered to have heard, that in the county of Lancaster, there was not above 100 persons who had placed their names on the register; and it was said at the time, that, if a dissolution had then taken place, not above thirty persons would have been qualified to vote. In the next Session after the Act was past, petitions came up from every part of the country, and the Registration Act was repealed. He regretted with the noble Lord, that Parliament did not provide for this; and he should have been glad if the whole of the subject of registration had been considered with greater attention. It was most desirable that the ground of complaint in this case should be removed, and that every inducement should be given to persons entitled to place themselves on the register. The question now for consideration was, whether the inconvenience of a short Session was not a less evil than general dissatisfaction. According to the present state of things, a new election would take place in December; a new experiment was then to be made; all the elections were to take place in two days, and he therefore would put it to the noble Lord whether it was not desirable that the experiment should be tried at a period of the year when there was not much difficulty in conveying voters to the poll. At Christmas, and especially in the distant parts of the country, a fall of snow might cut off all communication with the polling place. It would be better, under all the circumstances of the case, to put off the election of the new Parliament to the month of March, than have it in December.

Lord *Althorp* begged to explain that he had only said he had a dislike or objection to the re-assembling of the present Parliament; but every one must be aware that he only expressed his opinion as an individual. He could give no decision in the matter.

Sir *John Hobhouse* said, that he found a very general feeling of discontent had manifested itself in Westminster, on the subject of registration, and he wished the noble Lord would give him some information concerning it. The doubts as to the interpretation of the new law lately put forth, were not confined to those who were in the habit of studying the Reform Bill in its details; for he had referred the matter to an eminent Chancery Barrister in that House, who told him, upon his asking his opinion on behalf of the committee of gentlemen of the electors of St. Marylebone, that he might consider himself quite safe in telling the gentlemen that, if parties had paid their rates previous to the time prescribed by the Order in Council it would be sufficient. He thought that it was hard voters should be disqualified from an omission not arising from their wilful neglect, or from their own laches. He wished to know how the votes of the scot-and-lot voters of Westminster were to be saved?

Lord *Althorp* said, that, by the old law, all scot-and-lot voters were required to have paid up all arrears of taxes on the day of election; whereas the Reform Act stated, as the House was aware, that they must be registered, and that such day of registration should be considered as the day of election.

Sir *Charles Wetherell* said, he had anticipated the evil now complained of, though he had not been a *particeps criminis*. This, then, was one of the fruits of that Reform Bill, by opposing which Gentlemen on that side had been told they would shake the very foundation of the empire. He felt a triumph, but not an unworthy one, in thus finding that the opinion which he had formed in respect to this measure was thus borne out.

Motion agreed to.

BRIBERY AND CORRUPTION AT ELECTIONS.] Lord *John Russell* rose to move the Resolution of which he had given notice. It would be of no use, he was aware, during the present Session of Parliament, but he would move it as a notice of his intention the next Session of Parliament. His Lordship accordingly moved the following Resolution:—"That all persons who will question any future return of Members to serve in Parliament, upon any allegation of bribery or corruption, and who shall, in their petition, specifically allege any payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such Return, in pursuance or in furtherance of such bribery or corruption, may question the same at any time within twenty-eight days after the date of such payment; or if this House be not sitting at the expiration of the said twenty-eight days, then within fourteen days after the day when the House shall next meet."

Sir *Charles Wetherell* admitted that the object proposed by the noble Lord was a fair one as the subject of an experiment, but he doubted its success. As the proposition was of so wide a nature, he should certainly enter more into it in the next Session of Parliament.

Mr. *C. W. Wynn* said, the distribution of money in the way of bribe, long after the election took place, was more common than some supposed. He recollected seeing public advertisements calling on electors to attend and receive *5l.* or 10*l.* for their votes. He approved of the course pursued by the noble Lord, though he did not think he went far enough. With respect to election petitions, it would be better in future if Committees reported that there was or was not probable ground, in place of the usual mode of finding not frivolous or vexatious. He could see no real difficulty in what was urged upon a former occasion by his hon. and learned friend (Sir Charles Wetherell) respecting acts done merely. A Committee would of course declare such grounds of petition vexatious.

Colonel *Sibthorp* wished to know what the noble Lord (Lord John Russell) meant precisely by the word "reward." Were Members, on account of some act of charity, to remain from one election to another, for six whole years or more, with a charge of bribery hanging over them.

Lord *John Russell* said, this Resolution would apply only to future elections. He thought it right that Members should be in some degree protected from vexatious petitions, by the difficulty and expense of disturbing the return. It was desirable, at the same time, to open the House as widely as possible to complaints. He thought the Resolution might render voters less liable to accept bribes, seeing that the distribution might be so long deferred. He feared, however, that charging the unsuccessful petitioners with costs might produce a disinclination to petition.

Mr. *Hudson Gurney* feared that when these two Bills were passed they would have the effect of inundating the House with petitions. It would be better to bring in a Bill defining accurately what bribery was. All they could hope in the present state of human nature was to prevent gross bribery.

Resolution agreed to.

REFORM—RE-ASSEMBLING OF PARLIAMENT.] Colonel *Evans* rose to call the attention of the noble Lords opposite again to the subject of the scot-and-lot voters, who, as he had before stated, would be disfranchised by the operation of the Reform Bill, if they had not paid their rates. This subject was of such importance, and it was so imperfectly understood even in the metropolis, that he must solicit the attention of the noble Lords to the subject. He had before stated, and he understood, that the rule of disfranchising people, unless they had paid their rates, would be extensive, and injurious in its operation. All the people who had not paid their rates up to the 20th of July would be disfranchised [Lord *John Russell* said, if the rates had been demanded]. That required explanation. With respect to the Resolution the noble Lord had just moved, he would inform him that the two restrictive clauses of the Bill would operate very favourably for bribery. There were two places, in one of which 1,100*l.*, and in the other of which 900*l.* had been already advanced, to pay up the rates of the people. Something then should be done to counteract this, and make the Reform Bill understood. According to the papers on the Table, the number of persons disfranchised in Westminster and other places would be very great. He had received some information from Lancashire, which showed how the Bill was expected to work there. For example, he understood that Manchester would have no more than 750 voters; Blackburn, 78; Ashton, 75; Bolton, 84; Bury, 82; Oldham, 40; Rochdale, 40; Salford, 66; and Warrington, 38. That was rather an alarming result, and it would be so fatal that it would be enough to endanger the present Administration. He hoped that something would be done to remedy it, and that a short Session of Parliament would be called to pass a new law, if that was necessary All he knew of the restrictions he had learned only within a few days, and it was not to be supposed that the great mass of the people engaged in their pursuits could have obtained similar information. That might account for their not having troubled themselves about it. Now that they were aware of it, they were much disappointed. The Bill would, positively, convert many large towns into close boroughs. The Tories would not suffer from it, and he did not wonder that they opposed any alteration. The next Parliament, instead of being a Reformed Parliament, would be—he did not say it offensively—a Tory Parliament, if the evils of the Bill were not remedied. He thought this matter of great importance, because the people who had lately obtained the Reform itself by their own exertions, might have recourse to the same means. In fact, he had heard that the disappointment was so great that the people were again talking of not paying the taxes, and of commencing a run upon the bank for gold. This circumstance would have the most disastrous effects, and might even, from its unpopularity, destroy the present Administration. The hon. and gallant Member concluded by moving an Address to his Majesty, " that he will be graciously pleased to prorogue the present, and convene another short Session of Parliament, with as little delay as possible, to take into consideration the unexpected disfranchisement produced by certain restrictive clauses of the Act for Amending the Representation of the People in Parliament."

Mr. *Hume* seconded the Motion. He wished to state, that he believed that the statements of his hon. and gallant friend were correct. He had heard the statements from the same persons as his hon. friend. He had no doubt, that as this was not what his Majesty's Government intended, it would take measures to remedy the evil. If the population of the large towns were disfranchised to the extent of three-fourths or four-fifths, it would be a most serious evil, and would produce nothing else but dissatisfaction. He was sure, if his Majesty's Government found that this was the case, it would not hesitate to grant relief, and would be careful not to proceed to a new election, which would disappoint those hopes which had made the people give their most anxious support to the noble Lord.

Lord *Althorp* said, it could not be expected that he should agree to the Address. He could not think that the operation of the clause would be so extensive as the hon. and gallant Member represented. He himself knew nothing certain of the matter; and nothing could be certainly known till after the 20th of August. Not believing in the extent of the disfranchisement, he could not believe in the extent of the dissatisfaction. He had always admitted, that the registration clauses might, at first, present some difficulty in the working. It should be remembered, that the period fixed by the Bill allowed three months to be in arrears; and he could not think, according to the custom of parishes, that so many people would be disfranchised.

The Motion negatived.

EXPENSE OF THE REFORM BILLS.] Colonel *Sibthorp* rose to move for a Return, of which he had given notice. The Reform Bill had been now two years before Parliament, to the total exclusion of all other business. They had been told, it would conduce to the happiness of England, Ireland, and Scotland ; that taxes would be lowered, trade revived, and prosperity fill the land ; and all by reason of the Reform Bill. They had, as yet, reaped none of these golden fruits ; but, to a certainty, it appeared that they had made a golden payment for the sake of obtaining them. The machinery of the Bill had been most expensive, including the twenty travelling Commissioners, the draftsmen, and clerks attendant upon them. Volume after volume had issued from the labours of those who were engaged upon the Reform Bill, and he believed that his share of them would fill a waggon. The charge for printing, for the year 1832, amounted to 56,000*l.*; for stationery, 119,612*l.* Of course there had been a great consumption of pen, ink, and paper in this tremendous undertaking. In his opinion the Reform measure, so far from benefitting, had robbed the people of this country, from north to south, and from east to west. It had robbed them of every privilege, and all else it had promised. He hoped the noble Lord would grant all he asked, and that nothing would be hid. The hon. Member concluded by moving for " A Return of the expenses incurred relative to the Reform of Parliament Bills previous to the passing of the same; distinguishing the sums already paid, and remaining to be paid, as far as these can be ascertained, namely, for travelling and other expenses of the Commissioners, and individuals employed in the necessary information with regard to boundaries and other Returns; also, for stationery, printing, maps, plans, and the various incidental matters connected with the said Acts."

Lord *Althorp* seconded the Motion. He was opposed to everything like concealment, and thought, with the hon. and gallant Member, that it was very desirable to have the expenses of the measure all brought under one point of view, and included in one Return.

Motion agreed to.

WEST-INDIA ISLANDS RELIEF BILL.] On the motion of Lord Althorp, the House resolved itself into a Committee on the West-India Islands' Relief Bill.

Various clauses agreed to, with verbal amendments.

Mr. *Hume* then urged upon the noble Lord, the Chancellor of the Exchequer, the necessity of taking some security for the repayment of any portion of the public money which might be advanced to the colonies. If security were not given, the advance would be a total loss to the public, who would, by and by, be under the necessity of looking to the Government for relief.

Mr. *Wilks* said, it would be in the power of the Commissioners not to make advances without sufficient securities.

Lord *Althorp* was understood to concur in the opinion of the last speaker.

Mr. *Hume* complained, that our policy was not consistent towards the colonies. He did not think that security upon property in the West-Indies would be sufficient for the proposed advances.

Mr. *Spring Rice* observed, that the real point which had been suggested by the hon. member for Middlesex was this—whether or not the security upon the colonies themselves was sufficient for the amount of the money lent. He could only say, that the Commissioners who had been appointed were of the most highly respectable character, and that their services would be gratuitous, and he was satisfied that if the security which might be offered to them was not good, the money would not be advanced.

Mr. *Fowell Buxton* inquired of his Majesty's Government whether, if the mortgagees, in the case of the proposed loan to the colonies, did not redeem the slave population on the estate mortgaged to the Crown, it would become the property of the Crown?

Lord *Althorp* answered in the affirmative.

Mr. *Fowell Buxton* then begged to inquire, whether the Government, in such a case, would pursue the same course which had been formerly adopted and followed, and would, on such an event, liberate the slave population.

Lord *Althorp* said, he was not at present prepared to answer that question.

Remainder of the clauses read, and agreed to.

Mr. *Hume* objected to the preamble of the Bill as unintelligible, and wished to have the object specified for which the grant was made to the Crown colonies.

The preamble agreed to.

The House resumed.

CHANCERY SINECURES.] On the Motion of Lord Althorp, the House went into a Committee on the Chancery Sinecure Offices' Bill.

Lord *Althorp* brought up a Clause, increasing the Lord Chancellor's retiring allowance to 5,000*l.*

Mr. *Hume* strongly objected to the Chancellor receiving an additional 1,000*l.* a-year on account of retiring salary more than any of his predecessors. He did not, as yet, comprehend why that retiring allowance should be fixed at 5,000*l.* a-year. The Chancellor might, for aught he knew, be able to prove he was entitled to 6,000*l.* or 7,000*l.* a-year, as well as this lesser allowance. He should be glad to hear on what scale of remuneration, or upon what calculation, this estimate of the Lord Chancellor's services above others was founded.

Lord *Althorp* said, the reason of the proposed increase was, that the Lord Chancellor had consented to give up these sinecures, amounting to 24,000*l.*, when they all fell in, of which he possessed the patronage, which was generally considered as the means of providing for the Lord Chancellor's family. Not only had he done this as to future patronage, but having already appointed his younger brother to a post of 2,000*l.* a-year, that gentleman was to give it up as soon as this Bill was brought into operation. In respect, therefore, of this 2,000*l.*, the public would find a saving of one-half by giving to the noble Lord the additional 1,000*l.* a-year on retiring, which sum he (Lord Althorp) thought would be about an equivalent to what the noble and learned Lord gave up.

Mr. *Hume* was sorry to find the pledge given to Parliament and the country, that these very obnoxious places and sinecures should be all abolished, without suffering the possessors to raise thereupon a claim for compensation, was not redeemed. These were sinecures which, by a vote of the House, and by general concurrence, it was admitted ought to be abolished; and the more especially was he sorry the pledge was not redeemed, as this Government was avowedly a retrenching Government. On what ground stood this claim of the Lord Chancellor, which might not be advanced by the actual possessors of any other of these sinecures proposed to be abolished; or were they to mete out one measure of justice towards these parties, and another more indulgent one to the Lord Chancellor, when he lost only the chance of having a sinecure to dispose of? If this Ministry thought it right to recommend such a sum, by way of compensation, in despite of their distinct pledges as to the abolition of sinecures, he was satisfied that the people would not put a similar construction on those pledges, and would not hold them guiltless in voting compensation to the Lord Chancellor. He must, on principle, resist the increase of allowance in this case, because, in the first instance, it was understood, when this Government took office, it was not to be a Government of patronage; and next, because he thought they could not increase the retiring allowance to the Lord Chancellor without violating their solemn pledge to the country.

Lord *Althorp* had no recollection of ever having given a pledge that the retiring pension of the Lord Chancellor, or any other officer, should not be increased. The Lord Chancellor's income had always hitherto consisted of salary and patronage. Both were the inducements held out to the profession, in order to get the best and highest men in law to fill the situation. If patronage were to be taken away, it was only fair and just that some addition should be made to the retiring allowance, or else the country would lose the chance hereafter of securing the first-rate talent in the profession to preside in the Court of Chancery. He, on the whole, could not consider the allowance to be made for the future Chancellor extravagant.

Mr. *Hunt* had never heard the noble Lord labour so as he had done in attempting to justify this grant. As a retrenching Government, and coming into office on that pledge, it was monstrous to see them set this example of profuse waste of the public money. Had the Tories done so while in office, how loudly would that noble Lord have denounced it as an act of shameful extravagance! He had been lately chidden in the country, at a public meeting, for having voted 4,000*l.* a-year to the Speaker on his retirement; but that he had no difficulty in defending, to the satisfaction of those who heard him. This grant he never could defend; and therefore he was opposed to it. The surrender of these sinecures was the result of a pledge given before Lord Brougham came into office. Had the noble Lord himself not been an active instrument in obtaining that pledge? He had, and the noble Lord had accepted office, knowing right well that these sinecures were to continue no longer part of his patronage. But they were said to be given to him to provide for his family. Now, the present Chancellor had no family. This was a strong reason against giving any increase in this instance. Indeed, it might be wise that, in order to avoid that plea hereafter, Chancellors should be chosen only who were not likely to have any family. He would, under these circumstances, though he entertained a high respect for the noble and learned Lord's talents and virtues, move as an Amendment, that the usual sum of 4,000*l.* be inserted, instead of 5,000*l.*, in the Bill.

Lord *Althorp* observed, that the noble and learned Lord had abolished no less than twelve sinecure offices which had hitherto been part of the patronage of the Chancellor, and that that circumstance ought to be taken into account as a justification for this increase in the retiring allowance.

Mr. *C. W. Wynn* thought the sum now proposed was only a fair compensation for the patronage which other Chancellors had enjoyed, and of which the present Chancellor was deprived. They should recollect, too, that the Lord Chancellor had to sustain with becoming dignity the honours of the Peerage. That the Lord Chancellor should accept the Peerage was not a matter of choice; for it was necessary, for the due execution of many of the duties of his office, that he should be a Peer, and that circumstance ought also to be taken into account. He should support the grant.

Lord *Ingestre* defended the grant, and expressed his conviction that the great abilities possessed by the present Chancellor for the discharge of the duties of his office entitled him to the reward.

Colonel *Sibthorp* thought 4,000*l.* a-year enough for a retiring allowance, but would gladly have voted a larger salary than he now had to the noble Lord, so long as he continued in office.

Mr. *Hume* observed, that if the abolition of sinecures in his Court was to give the present Chancellor a right to a larger retiring allowance, the principle of compensation for sinecures would be established, and then no sinecure could be abolished without giving the holder a compensation. He highly respected the noble Lord whose office was in question; but, looking to the Resolution of that House in 1810, that all sinecures performed by deputy should be abolished; and looking to the Act of 57th Geo. 3rd, which stated, "That whereas the abolition of sinecures will take from his Majesty the power of rewarding important services; it is therefore enacted, that he shall have the power to grant pensions to the amount of 35,000*l.*;" and looking to the fact that the pensions granted in consequence of that Resolution and that Act now amounted to, he believed, 17,000*l.*, he could not consent to the Motion. He was extremely unwilling to divide on a measure of this kind; but, in accordance with the principles on which he had always acted, he must support the Amendment.

Mr. *Courtenay* could give an answer to the hon. Gentleman out of the document to which he had referred. The hon. Gentleman quoted the resolution of 1810, which was embodied in the Bill of 1812, and that Bill was afterwards rejected by the House. The opinion then of one Parliament, quoted by the hon. Member as an authority, was rejected, after further consideration. The hon. Gentleman quoted the Act of 1817, which also abolishes sinecures in the gift of the Crown, and gives the King the power of granting pensions in lieu of them. That Act, however, did not abolish all sinecures. Quite the contrary, because, while it expressly took away those which were in the gift of the Crown, it left untouched those belonging to the Lord Chancellor. It must be admitted, that the proposed compensation, as compared with the amount of patronage given up by the Lord Chancellor, was extremely inadequate. There was no Lord Chancellor for many years back, who had not been enabled to provide for his family. Lord Thurlow provided for his family handsomely, and so had other Chancellors; whereas Lord Brougham gave up all these sinecures, one of which, worth 2,000*l.* a year, had actually already fallen in, for which he was to get as a compensation 1,000*l.* a-year for life. The compensation was so inadequate, that it might hereafter become necessary to make some provision for the descendants of future Lord Chancellors.

The Committee divided on the Amendment: Ayes 2; Noes 60—Majority 58.

Clause agreed to—House resumed.

STAGE-COACHES BILL.] The House resolved itself into Committee on this Bill.

Mr. *Dixon* moved an Amendment to one of the clauses, that no tax be imposed on steam-carriages used upon common roads. He decidedly objected to levying any tax upon this new propelling power; and though the owners of such carriages might consent to such a tax, he would oppose it on principle.

Mr. *Spring Rice* thought he could satisfy the Committee that the adoption of the Amendment would be an act of great injustice to the proprietors of stage-coaches. Government was disposed to afford every facility to improvements in machinery; and if it were now a question whether any tax whatever should be levied on locomotion, he should have nothing to say; but he did not think they were called upon to give to steam-carriages the unfair advantage over old modes of conveyance, which they would have if the latter were to be exclusively taxed. The Manchester Rail-road Company had caused a loss to the revenue of 8,384*l.* by the duty on post-horses and stage-coaches, which, however, was in some degree made up by an increased communication of stage-coaches on other branches of the roads leading to Manchester and Liverpool.

Mr. *Ewart* thought that the revenue must have been benefited by the Manchester rail-way. Trade and manufactures had been promoted, and barren land brought into cultivation to a wonderful extent by the conveyance of manure. He could not consent to any taxation on railways. Taxation on conveyance of commercial products was in itself bad policy, and productive of great evil. America, and even Austria, were making rail-ways, by which they would be enabled to compete with this country in the production and sale of a variety of articles. His hope was, there might be a gradual reduction of taxation on all kinds of communication.

Colonel *Sibthorp* could not be forgetful of the interests of his agricultural constituents, suffering severely under the pressure of poor-rates. The use of vehicles impelled by steam would injure those constituents. It would throw greater obstacles than at present in the way of the landed interest.

Mr. *Hume* was desirous of taking off the tax upon horses, but he could not allow that rail-roads or steam-coaches would injure the landholders of Lincoln or any other county. The plan of the noble Lord for taxing steam was a lamentable departure from sound policy. Would the noble Lord put an end to all the advantages derived from steam-boats and rail-roads? Why not tax machinery? If a principle was good, they ought to follow it up. The advantages of quick conveyances were most extensive; and if the noble Lord taxed steam and rail-roads, he was imposing a tax on improvement, and increasing the poor-rates. It was a tax on time and industry. Instead of putting a tax on steam, we should take off the tax on coaches in every line where a parallel rail-road was established. He entreated the noble Lord to postpone the plan for another year. What was the paltry loss of 7,000*l.* a-year compared with the mighty advantages which accrued to the community? He hoped that the noble Lord would suffer the loss of some taxes on coaches rather than discourage those great improvements which ought to be fostered.

Lord *Althorp* concurred with the hon. member for Middlesex in thinking that the country would gain by taking off the tax on coaches, instead of laying a tax on rail-roads; but, at the same time, the tax on coaches brought in a considerable revenue. As to exempting coaches on roads parallel to rail-ways, it would not be just to coaches on other roads, nor would it be easily practicable. The Government felt every disposition to favour improvements in steam conveyance, and steam-carriages on roads would not be more heavily taxed than on rail-ways. They had agreed, for example, with the proprietors of the Manchester rail-road for a certain payment, which would not interfere with the success of that undertaking. He confessed he was not very sanguine that steam-carriages could be introduced on common roads, but, if they were, the tax would not operate as an obstacle.

Sir *Charles Burrell* supported the stage coach interest. It was injustice to ruin one class of proprietors to promote the views of another class.

Mr. *Hunt* said, the people of England could not stand in comparison with America, where they had no taxes. The tax on corn in this country justified taxing every thing. If they taxed corn, they ought to tax steam.

Lord *George Bentinck* said, he had lately sat on a Committee upon the plan for making a rail-road from London to Birmingham, and it was proved that the loss to the revenue in the abolition of stage-coaches would be 78,000*l.* annually. The noble Lord could not consider it a violation of principle to tax steam where it injured the interest of stage-coach property.

The Committee divided on the Amendment: Ayes 2; Noes 48—Majority 46.

Original Clause agreed to, as were the remaining Clauses.

The House resumed.

BRIBERY AT ELECTIONS BILL.] On the Motion of Lord John Russell, this Bill was read a third time.

On the motion that it do pass,

Mr. *Weyland* proposed a Clause to be added by way of rider, declaring that every Candidate who should pay any part of the expense of registration of voters should be held guilty of bribery.

Lord *John Russell* said, the clause was merely applied to another description of bribery, and he was unwilling to clog the Bill with any further provisions to guard against its effects.

Mr. *Hume* supported the clause. The practice it sought to prevent was already beginning to prevail, and an enactment against it might check it at once.

Mr. *C. W. Wynn* was opposed to the clause, because it made bribery that which was never bribery before.

Mr. *Courtenay* said, the question now mooted was of so much importance, that the noble Lord ought to take at least twenty-four hours to consider of it, and the Bill ought to be postponed.

The Clause negatived; and the Bill passed.

HOUSE OF LORDS,

Friday, August 10, 1832.

MINUTES.] Bills. Read a first time:—Bribery at Elections.—Read a second time:—Roman Catholic Requests.—Committed:—Composition of Tithes (Ireland).—Read a third time:—Revenue Accounts (Scotland); Speaker's Retirement:—Special Constables (Ireland).

FORGERY BILL.] The *Lord Chancellor* said, he had to move the second reading of a Bill of great importance, which went to repeal the law awarding punishment of death in cases of forgery. He was not aware that any noble Lord intended to make any objections to the second reading of the Bill, nor was he aware that any noble Lord would move to alter any of the details; but he recollected that, on a former occasion, when a Bill of a similar nature was before the House, exceptions had been taken to some of the details, with a view of retaining the punishment of death in some cases of forgery. They, however, did not succeed then—nor would they, he believed, if they were proposed now, for men's minds were pretty well made up on the point, as it was not to be expected that the punishment of death for offences of that description, which were seldom or never carried into execution, could continue the law of the land. At the same time, if any noble Lord thought that there ought to be exceptions in the Bill with respect to certain cases, a favourable opportunity would be afforded in a future stage. If the House consented to the second reading now, it was his intention to move to have the Bill committed on Monday.

The Duke of *Cumberland* hoped that the noble and learned Lord on the Woolsack would not move to have the Bill committed on Monday, unless the noble and learned Lord, the Chief Justice (Lord Tenterden) had then returned to town from the Circuit.

The *Lord Chancellor* could assure the illustrious Duke, that no appeal could be stronger to delay the Bill a short time than that made on account of the absence of his noble and learned friend, the Chief Justice of the Court of King's Bench; but the Bill had been put off to so late a period of the Session, that it was almost the last day to which it could be deferred with a hope of carrying it. He trusted that his noble and learned friend would have returned to town on Monday; nevertheless, he did not say he would; and, if he should not, as there would be some amendments to make in the Committee, there would be another stage, in which his noble and learned friend might propose any alterations he thought right.

Bill read a second time.

LORD CHANCELLOR'S SALARY.] On the Motion that the Lord Chancellor's Salary Bill be read a first time,

The *Lord Chancellor* said, he wished to make one observation relative to statements which had been made elsewhere. It was said that there was no ground for so large a salary as this Bill proposed, inasmuch as there had been a great decrease of labour since the institution of the Bankruptcy Court. Now there could not be a greater delusion than that, for there was as much business now before the Court of Chancery as formerly, notwithstanding the Bankruptcy Court, or any other Court. The Court sat as long, and was as much occupied, as when a variety of other business was before it. If the Bankruptcy Court had diminished any business in Chancery, it was most likely to do so in the Vice Chancellor's Court; but even there the labours of the Vice-Chancellor were as great as ever. The arrears had been nearly got rid of, but the business had, in many respects, increased. Within the last seven months, there had been no less than 258 more Bills filed than in 1829, when there was the greatest number known.

Bill read a first time.

ABERDEEN COLLEGE.] The Earl of Rosslyn presented a Petition from the publishers of London, praying that the Aberdeen University Bill might be postponed till next Session.

The Bishop of *London* said, the right of Universities to claim a copy of each work was no doubt an unequal tax. Eleven copies were to be given whether the work was worth one guinea or ten guineas; so that a publisher who published 1,000 copies of a work that sold for one guinea, had to pay only eleven guineas, whereas another, who might publish only 100 copies of a work worth ten guineas, had to pay a tax of 110 guineas. The sum to be paid to the College of Aberdeen he thought too much, as he knew that some of the Colleges would accept of 300*l.* for giving up the right.

The Marquess of *Lansdown* admitted, that the sum to be paid was 500*l.*, and that possibly some colleges would accept less; but, as it was desirable to come to an agreement as speedily as possible with France, he could not consent to a postponement of the measure till next Session. He would at the same time say that he regarded the present state of the law as entailing an onerous and very unjust tax on a particular class; and next

Session it might be desirable to ascertain what steps could be taken to relieve authors and publishers from such an unequal tax. The present Bill, however, would be no bar to any future measures as to copyright.

The Bishop of *London* thought, by giving so large a sum, their Lordships were creating obstacles to the purchase of the privilege from other universities.

Petition to lie on the Table.

HOUSE OF COMMONS,

Friday, August 10, 1832.

MINUTES.] Papers ordered. On the Motion of Mr. HUME, the Names of the Members of the Legislative Assemblies of Upper and Lower Canada, and the Public Offices they hold; also Returns relative to the Post Office in Canada.

Bills. Read a third time:—Exchequer Courts Officers; Consolidated Fund; Assessed Taxes Composition; Lord Chancellor's Salary; Party Processions (Ireland); Greek Convention; Civil List Payments.

Petitions presented. By Mr. HUME, from Leeds, that that Borough may be thrown open before the first Election under the Reform Bill; from certain Prisoners confined for Debt in Whitecross Street Prison, for the Abolition of the Law of Arrest and Imprisonment for Debt; from the Yeovil Political Union, for the Immediate Discharge of Alexander Somerville; from St. Mary, Limerick, and from the Leeds Political Union, for the Abolition of Tithes in Ireland; and from four Places in England, for the Abolition of Tithes in England.—By Mr. ROBINSON, from Worcester, for the Abolition of Tithes in Ireland. By Mr. SADLER, from Prestwich, Lancashire, in favour of the Factories Regulation Bill.

LAW OF TREASON AND OF HABEAS CORPUS.] Mr. *Leader* presented a Petition from the Inhabitants of Clonfert, in the county of Cork, complaining of the conduct of one of the police, who, at a public meeting, was detected in the crowd endeavouring to excite disturbance, by throwing stones at the military. Such conduct ought to have been visited with immediate dismissal, but he was informed that no inquiry had been made into it, and that the policeman was still employed. The hon. Member said, he would take that opportunity of stating, that he had that day read, with the deepest regret and surprise, the observations alleged to have been made by the highest legal authority in the country, in another place. In these remarks, it appeared to be insinuated that meetings held in Ireland for the purpose of redressing the many grievances under which Ireland was suffering, were of a rebellious description. It was, unfortunately, true that Irishmen were not by law entitled to the same protection or privileges as Englishmen, and that the *Habeas Corpus* Act, which could be suspended in England only by Parliament, was not in this, its most important feature, yet extended to Ireland. It was a melancholy truth, that this distinction still existed on the statute books, and that by a clause of an act of the Irish Parliament (21st and 22nd of George 3rd) the Lord Lieutenant had the power, in cases of actual rebellion in either country, to suspend that Act by an order in council and by proclamation. Though this was the law, yet the spirit of the times, and the less severe policy of late Governments, had rendered that clause of the Act obsolete and effete. In the Act to which he referred, it was enacted that the Lord Lieutenant should have that power in cases of invasion or actual rebellion in either country, but when those very cases had occurred, the Government of those days did not feel themselves justified in resorting to the powers vested in the Lord Lieutenant, but to resort to the power of Parliament itself: thus, in the year 1796, when Ireland was invaded, a necessity for suspending the *Habeas Corpus* Act was declared, and it was suspended by Parliament. In the same way, during the rebellion of 1798, Parliament again suspended the *Habeas Corpus* Act, but without any recourse to the power given to the Lord-Lieutenant by the Act of the 21st and 22nd George 3rd. Indeed, he could not find any instance in which the Act had been suspended by proclamation; and if a necessity existed, it was the duty of Parliament not to leave the responsibility on any Lord Lieutenant, but to follow the course which had been pursued by all the Parliaments of Ireland—when a necessity existed, to suspend the *Habeas Corpus* Act itself. He regretted to find some of the high authorities of the country looking out for a summary mode of suspending this Act, which was the palladium of our liberty, and he still more regretted to find too wide a construction given to what constituted rebellious acts. This enlarged construction of what was to be considered rebellion, would prevent the poor tithe payer of Ireland, and the starving manufacturers of that country, from meeting to complain of the grievances which they suffered, without at the same time subjecting the country to the suspension of the *Habeas Corpus* Act. And this, too, was to be done at the will of a Lord Lieutenant, whilst the King of England himself possessed no such power in England. He was apprehensive that the revival of this power, which did not exist in England, would be the cause of fresh jealousy in Ireland; and if Parliament was awake to the interests of this country, they would take care that all the real grievances of Ireland should be speedily removed. It could not be denied that there were grievances under which that country suffered, and whilst those grievances existed, there would be complaints, and there would be meetings and petitions against tithes and church cess; and those complaints would be loud and numerous; and the measures lately adopted by the House at the suggestion of the Government would not tend to allay the dissatisfaction and discontent which prevailed. Having said thus much on what he thought a no very ambiguous intimation of the intention of Government to resort to this obsolete Act—a course which every friend of England as well as of Ireland ought to deprecate—he again adverted to the petition which he held in his hand, and expressed a hope that an inquiry might be instituted into the circumstances to which it referred.

Mr. *Hume* thought that the petition presented by his hon. friend, the member for Kilkenny, was one into the matter of which the Government were bound to make inquiry. He did not rise, however, to enter into that subject, but to express his surprise at the statement made by his hon. friend (Mr. Leader), that such a power should exist as that which authorized the Lord Lieutenant, with the advice and consent of six members of the Privy Council in Ireland, to do what the King could not in England—to suspend the *Habeas Corpus* Act in cases of invasion or rebellion in either country. He was anxious to hear from the hon. and learned Gentleman opposite, the Solicitor-General for Ireland, whether there really existed any law which placed the operation of the *Habeas Corpus* Act in Ireland on a footing so different from that upon which that great protection of the liberty of the people rested in England; and also, whether meetings, such as had been described by the noble member for Kilkenny were considered by the Government to be rebellious. He hoped it was not so; but if it were, he hoped that the people of Ireland might be placed under the same law as those of England, and that it should not be left to this or that individual to state what was or was not rebellion, or that the assembling of large bodies of men should be so considered. This was a most important question for England and Ireland; for if such a marked difference in the law between the two countries were allowed to exist, it would raise another ground of jealousy on the part of Ireland, which would tend to increase the excitement already existing in that country. He did hope that Government would see the wisdom and sound policy of placing the liberty of the two countries on the same ground; and that if they could not, as he knew there was not now time to repeal this obnoxious Act, that they would do what would be the same thing in effect—allow it to remain in the same obsolete state in which it had been suffered to remain since it was passed. At all events, he hoped that Parliament would not be allowed to separate without some explanation being given on the subject.

Mr. *Crampton* would confine himself to two points of the observations which had fallen from the hon. member for Middlesex, and from his hon. friend who presented the petition; and he should abstain from saying anything which now, at the close of the Session, could lead to a discussion of the important topics to which the petition referred. He had been asked whether he had received information of improper conduct on the part of a policeman, who mixed with the crowd at a peaceable meeting, and threw stones at the military for the purpose of provoking them to fire upon the people. He was not aware of any such occurrence, and, so far as he knew, no complaint had been made upon the subject elsewhere than in the House of Commons. If the occurrence had actually taken place, he thought the complaint would have been made in the proper quarter, and an immediate inquiry would have been instituted. It was manifest, that if a tithe of the allegations of the petition were well founded, there must have been gross misconduct on the part of the Magistrates; but he felt it his duty to say that a certain "poetic taste" prevailed amongst the persons who "get up," as it is called, Irish petitions, which induced them to exaggerate, and he therefore trusted, that Gentlemen would not make up their minds upon the unsupported assertions of Irish petition-makers or subscribers. As to the *Habeas Corpus* Act, he would reply to the question of the hon. Member for Middlesex, that the Act was the same in England and in Ireland, but by the Act of the 21st and 22nd George 3rd, the Lord Lieutenant and the Privy Council of Ireland were empowered to suspend the Act, in the event of an invasion or a rebellion. That was a power which had seldom been resorted to; and if it was meant to say, that there was now an intention to make use of meetings for constitutional purposes, as a pretext for enforcing that law, he would reply that it was impossible that the noble and learned Lord alluded to could have meant any such thing. In the event of a rebellion in Ireland, the Lord Lieutenant had the power of suspending the *Habeas Corpus* Act; and it was, of course, to be borne in mind, that a rebellion might be confined to a single county, or to a small number of persons. To constitute rebellion, it was not necessary that the whole country, or a whole province, or even a whole county should be actually in arms against the Government. It was rebellion, when any number of the King's subjects united to compel, by force, any change in the laws of the country, to set the lawful authorities at defiance, to control the Legislature, or to supersede the executive. He should not, then, say any thing which might provoke a discussion of the subject; and he thought that nothing could be more dangerous, than that the House should take the statement of petitions from Ireland for real facts. What conduced most to the peace of Ireland was the due and impartial administration of the laws, and the confidence which that inspired in the minds of the people. Nothing, therefore, could be more dangerous, more malicious, malignant, or mischievous, than to diminish the respect of the people of Ireland for the law of the land, and for public functionaries. If gentlemen, either in that House or elsewhere, would persevere in indulging in eloquent invective against the state of the law, and the conduct of the authorities in Ireland, their course was calculated, as much as any thing could be so, to lead to that state of rebellion which would render necessary the application of the Act alluded to by the hon. Member for Kilkenny.

Mr. *Callaghan* said, that, at the meetings held in Cork, there was nothing done by the people which was in any degree illegal. They assembled, not as was said of them, to enter into any combination against English manufactures, but to give all the encouragement in their power to those of their own country—a course with which he presumed no man would find fault. It should not be a matter of surprise, that the petitioners in the present case should have come to Parliament in the first instance with their complaint, rather than to the Irish government, for they saw the Government lending the aid of the military and police to prevent meetings for most constitutional purposes. It was quite absurd to talk of rebellion, or a tendency to rebellion, in Ireland at this moment. There was nothing of the kind. He could say generally of the whole country, that it was disposed to be tranquil; but of that part of it with which he was more immediately connected, he could state that no part of the kingdom was more tranquil. He had received a letter that morning from a gentleman who was not a party man, and who, alluding to the arrival of the Lord Lieutenant and Sir Hussey Vivian in the Cove of Cork, expressed his satisfaction at that event; as he added, that if they came to see the state of that part of the country, they would find that the statements which had been made of the disturbed condition of the country were wholly without foundation. In fact, he added, "the country is perfectly tranquil—the harvest is abundant, and potatoes are in great plenty." He would repeat, that there was nothing in any of the meetings in Cork, which the most ingenious lawyer could torture into rebellion, or to a tendency to rebellion.

Mr. *Leader* said, he had not quarrelled with the expressions attributed to the noble and learned Lord in another place. What he complained of was, that such an inequality of law should be allowed to exist between the two countries. The knowledge that a power was given to a Lord Lieutenant over the liberty of the subject in Ireland, which was denied to the King of England, would only serve to increase the jealousy which already existed in that country.

Sir *Richard Musgrave* said, that he must protest against the reflections cast by the learned Solicitor-General for Ireland (Mr. Crampton) on petitions from that country, when he intimated that statements of facts in those petitions ought always to be received with doubt, as they were generally exaggerated. During the time that he (Sir Richard Musgrave) had the honour of a seat in that House, many such petitions had been presented, and he defied the learned Gentleman to mention any petitions containing assertions that had been controverted. He had lately been in the south of Ireland where many tithe meetings had been held, and although many of these meetings had been numerously attended, no disturbance of the peace had taken place. The meetings had uniformly been conducted in a peaceful and legal manner.

Petition to be printed.

AFFRAY AT CLITHERO.] Mr. Spring Rice moved the third reading of the Civil List Payments Bill.

Mr. *Hume* said, he would take that opportunity to put a question to the right hon. Gentleman opposite (Mr. Lamb) on the subject of the melancholy transaction which took place at Clithero a few days ago. He was the more anxious to put this question, because he saw that an hon. Member (Mr. Irving) who was connected with that transaction was now present. He was informed, that when the Chief Magistrate of Clithero understood that the hon. Member, who was then at a distance of two miles from the town, was about to enter it with troops, he objected to the proceeding, from prudential motives, though it had been sanctioned by Colonel Clayton and two other Magistrates. He had abstained from asking any question on this subject for several days, but as he supposed the right hon. Gentleman had by this time received full information on the subject, he hoped that he would now detail the whole of the circumstances. He the more especially wished this to be done, because he had this day received a petition from Whalley, complaining that the constituted authorities there had behaved in a manner highly unconstitutional.

Mr. *Irving* said, he would state, as shortly as he could, what took place on the occasion to which the hon. Member alluded. A considerable time ago, an intimation had been made to him (Mr. Irving) by many of the most influential and respectable inhabitants of Clithero, that if he offered himself as a candidate, he would be well received. To that a short reply was returned, and this was the only communication he had had previously to his proceeding to the town. Another gentleman, it appeared, had also set up as a candidate for the representation of the borough. There were in that neighbourhood three manufacturers of great wealth and importance, and he believed highly respectable men, with whom, however, he had no acquaintance. They employed a very considerable number of men—not less, he supposed, than 2,000 or 3,000. Each of these gentlemen was considered by some as a proper person to represent the borough. He knew not how they had come to a decision, whether by ballot or otherwise, as to which of them should stand; but one of the three, Mr. Fort, had been selected. There was, however, another interest, which did not consider any one of these gentlemen as a proper Representative for the borough. A committee had been formed of the gentlemen constituting a part of the constituency of the town of Clithero, and on the invitation of that committee, he (Mr. Irving) had been invited to come forward as a candidate, and personally to present himself to the electors of the borough. That invitation was accompanied by a statement, which had been forwarded to him, emanating from Mr. Thomson, and in which he believed Mr. Fort had also joined, assuring him that he might enter Clithero in perfect safety. In answer to that invitation, he replied that he should reach that town on the evening of Monday the 30th of July last, and in pursuance of that reply, he proceeded to visit that town. He was joined at the house where he had sojourned for the night in the neighbourhood of Clithero, by about sixty persons, manufacturers, gentlemen, and yeomen mounted, and with that cavalcade, increased as it proceeded by about twenty individuals on foot, he proceeded to enter the town. On reaching the town he found a dense concourse of people assembled—indeed such a multitude as he was not prepared to expect. Stones were thrown, some at himself, and others at the gentlemen by whom he was accompanied. He was personally insulted in the grossest manner by being spit upon. Stones and other missiles were hurled into his carriage, and yet he was inclined to view all this with perfect indifference. After this, three several attempts were made to open the door of the carriage, and those attempts were accompanied with imprecations of the grossest nature, such as "Pull him out,"—"Burke him,"—"D—n him, kill him." This all transpired before he (Mr. Irving) had reached the inn, and it was but justice to say, that he had only been saved from being dragged from his carriage by a person who seemed to be of great importance amongst the multitude, and who, it subsequently appeared, was the gamekeeper of the other candidate for the borough, Mr. Fort. He succeeded in arriving at the inn in which the self-formed committee in his support had assembled, and around which, on his arrival, he found the people so densely crowded, that had he made an attempt to enter, it would have been impossible that he should have succeeded. At this moment there were persons busily occupied in the hind part of the carriage in the endeavour to overturn it. The linch-pins of the carriage were also attempted to be removed, the stones were flying as thick as hail, and under the directions of some voice in the multitude, the post-boys proceeded to drive on. They did so, despite of every attempt made by him (Mr. Irving) to stop them. He could not feel surprised that they obeyed the order to drive on—such was the shower of missiles by which they, in common with himself, had been attacked; and when they were surrounded as they were by a multitude of the greatest scoundrels in the world. He begged not to be understood as describing the constituency of Clithero in such terms, nor could he do so, for though the multitude or mob amounted to about 10,000, yet the constituency of Clithero were not more than between 200 and 300. He again begged to repeat, that he was the mere instrument in the hands of others, and had not himself done any act calculated at all to give offence to any party. Having been driven away from the town in the manner and under the circumstances which he had described, at the next neighbouring place, to which he had been carried after a long and mature deliberation of the Magistrates who had assembled, they thought fit to send for a military force from the nearest town, which was distant two or three miles from the place at which they had assembled. He here begged to remark, that his belief was, that whatever feeling had been raised against him, owed its origin to his having voted in favour of the Anatomy Bill. At the place where they proceeded to after leaving Clithero, he and his friends had remained some time, when the landlady gave information that the resting-place of the party was known in Clithero, and that a great body of men were moving from that place, towards the place in which he had taken up his temporary abode. At this period he should remark, that Mr. Garstang, the bailiff of the town of Clithero, of whom it had been said, that he dissented from the course pursued of calling in aid a military force, had a consultation with the Magistrates, and came from that consultation, convinced that the interference of the magistracy was called for in this instance, and he had even joined with the body of Magistrates, who had acted in signing the report, which had been made by them in reference to this transaction, to the Secretary of State for the Home Department. He now came to the last point, to which, in reference to this transaction, it was necessary for him to refer—namely, as to the return to Clithero. He must first observe, that before this, Colonel Clayton, one of the Magistrates who had acted, had set out on his return home, when, on meeting with the military, he again turned back, and joined the party. The party then returned to the town, and on entering it, he (Mr. Irving) perceived that the numbers of the crowded multitude had been greatly reduced; in fact, it appeared to him that at least two-thirds of the people had gone away. Still, however, a great concourse of people remained, and that concourse increased as they proceeded again into the town, and in their progress the military were assailed with missiles, stones, and brick-bats, which were thrown from the houses as the cavalcade proceeded. In addition to this, other offensive weapons, such as sticks, were used by persons in the crowd against the military force, which was most severely attacked in that way. It was then that the commanding-officer applied to the resident Magistrates to read the riot act, and in obedience to that application, the riot act was read by the bailiff and other Magistrates, in various parts of the town. The commanding-officer of the military party then endeavoured, by the action of the horses of the corps under his command, to disperse the crowds which had assembled. In doing this, that officer, he knew, was extremely sorry that injury should have been done to any individual, and nobody could regret such an event more than he (Mr. Irving) did; but soldiers, when called upon to act, and having weapons of defence in their hands, could not be expected—nay, it was natural that they should resist the attacks with which they were themselves assailed. After this endeavour to restore tranquillity, he and his friends again proceeded from the town, under the escort of two troops of military. Under that escort they had reached the neighbouring town of Blackburn, when, in consequence of information which followed, one troop of the military was sent back to endeavour to restore the public tranquillity of the place. He would here remark, that notwithstanding what had happened on the first occasion, he had been anxious to have canvassed a certain portion of the electors of the borough, who were distant from the town itself; but he had been informed that, in that district, the men were armed, and that it would be as much as his life was worth to make any such attempt, and therefore it was, that he had abandoned the canvass. To this fact he begged to call the attention of the Attorney General, whom he was glad to see in his place, as one which greatly interfered with the freedom of election, and he could assure the House that he made the statement without having in view any personal motive, but on general views with reference to the rights of any individual claiming or seeking the Representation of any town or borough. He also could assure the Attorney General that he could point out the chief actors in the system of intimidation or interruption to a candidate, which had, in the present instance been practised, and those individuals were certain of the members of the committee for securing the election of the opponent candidate to him (Mr. Irving). He could not but take the present opportunity of noticing the conduct which had been pursued by a candidate for the neighbouring town of Blackburn, Dr. Bowring, who had been pleased, in the course of his speeches and addresses to the electors of that borough, to attack and cast imputations upon him. The learned doctor had alluded to his being a West-India proprietor, and insinuated that, therefore, he was inimical to the abolition of slavery, while at the same time, the learned doctor well knew that he had suggested a plan which had met the attention of his Majesty's Government, by which that subject might be set at rest. The learned doctor had said much elsewhere as to what he (Mr. Irving) was, and he would take the liberty of telling the House what he was not. He was neither an Atheist nor a Deist in his religious principles; neither was he republican in his political principles, nor had he trafficked in revolutions. He thanked the House for the patience with which they had heard his statement, and for the attention they had bestowed upon it.

Mr. *Lamb* was glad that he had given precedence, on the present occasion, to the hon. Gentleman who had just sat down, because the statement made by the hon. Member had much shortened that with which he must have necessarily troubled the House. He was not prepared to pronounce any decided opinion upon the conduct of the parties concerned in the transaction in question, for some of the statements with which the Government had been furnished, and having reference to some points affecting some of the troopers individually, had only been received in the course of this day. He regretted that any town in this country should, on any occasion, have manifested and displayed such a spirit of dictation, and such a feeling of hostility to free discussion, as had been manifested by those who had so long and so loudly complained against the party who had been called the boroughmongers. With regard to the calling out the troops upon the present occasion, he did not think that the Magistrates could be blamed for the course they had pursued. A misconception had gone forth that the bailiff of the town of Clithero (Mr. Garstang) had opposed the military being called out; for, as had been stated by the hon. Gentleman opposite, that gentleman had joined with the Magistrates, who had acted on the occasion, in their report of the transaction to the Government. The only doubt or question upon his (Mr. Lamb's) mind was, why it was that the hon. Gentleman opposite and his friends returned to Clithero accompanied by the military. If the military went there to allay any tumult that prevailed, he could not think it was quite correct that they should be accompanied by, or that they should carry back with them, the cause of that tumult. At the same time he did not mean to dispute the right of the hon. Gentleman to enter the town; but it certainly appeared, that the tumult which took place on his appearing, was renewed on his return with the military; and when one troop returned (in the manner which had been described by the hon. Gentleman) without him, peace was restored. He had already said, that an inquiry was going on with reference to this transaction, and therefore he was not prepared to give any decided opinion in respect to it. Therefore, the only question which he had to answer on the present occasion, was that which had been put with reference to the reading of the Riot Act. The Riot Act had been read by Mr. Abbott, a Magistrate, from the door of the inn, and who afterwards went on horseback and again read it amongst the mob; and it had also been read by Mr. Garstang, the bailiff, in other parts of the town. Even after this had been done, the attacks upon the military were continued, and he conceived that not the slightest blame could attach to the commanding officer for the course which he had felt it to be his duty to pursue. The Magistrates had said it was time to disperse the mob, and on that authority the commanding officer had acted. He did not believe that the troops had been guilty of any violence, but he thought that the great damage had arisen from the persons who, in the course of the tumult, had been trodden under foot.

Mr. *Hume* asked how soon after the Riot Act had been read did the troops charge?

Mr. *Lamb:* That was one of the points which required further explanation. He believed it was not long after, in consequence of the excessive ill usage which the troops were receiving.

Mr. *Hume* said, that the statement made by the hon. Member (Mr. Irving) was so much in accordance with the account he had received of the transaction, that he had no doubt of its accuracy. He regretted very much that attempts had been made, not only at Clithero, but in various other places, to raise a prejudice against Members by connecting them with the West-India interest. Such a course, he admitted, was not likely to lead to a reasonable or satisfactory adjustment of the slave question. With respect to Dr. Bowring, the hon. Member had really thrown out aspersions which were wholly unfounded, and ought never to have been made. Dr. Bowring, in his speech, after his triumphal entry into Blackburn, might have called the hon. Member a slave proprietor; and if that tended in any degree to cause the hon. Member to be treated as he afterwards was treated, no doubt Dr. Bowring would very much regret having used that expression. But what was now the hon. Gentleman's conduct? He now came down coolly, and charged Dr. Bowring with being an Atheist, a Deist, and a Republican. Now he (Mr. Hume) did not belive that any of those words were correctly applied to Dr. Bowring. That learned person was a friend to every measure calculated to improve the happiness of mankind, and he was most enthusiastic in his desire to put an end to slavery; but that was no ground for throwing such aspersions on him as those in which the hon. Member had indulged.

Mr. *Cust*, being a member for Clithero, would make a few observations in vindication of the Magistrates of that place. He had known the Magistrates who acted upon the occasion referred to long and most intimately, and he could venture to assert that, from the Chair to the Bar of that House, there were not more respectable men. He spoke from a long acquaintance with them. In judging the conduct of the people of Clithero, it should be borne in mind, that upon the entrance of the hon. Member (Mr. Irving) it was not the inhabitants of the town only, but of the neighbourhood, who had flocked in in great numbers for the purpose of giving that hon. Gentleman a hostile reception. The House should be informed that the neighbourhood contained many factories, mines, &c., the persons employed in which were always ready to take part in any outrageous or riotous proceedings.

Sir *Edward Sugden* could not refrain from expressing his regret at what had occurred at Clithero. He not only regretted that the inhabitants of that place and its neighbourhood should have been guilty of such conduct under any circumstances, but more particularly did he lament that an individual so honourable and worthy as was his hon. friend (Mr. Irving) should have been selected as the victim of such disgraceful outrage. The people of this country had now got a reasonable, full, and fair right of Representation. If ever they had it, or could have it, they had it now. Let them then set the example of enlightened conduct becoming the trust reposed in them, and act as it was expected that freemen should act. He (Sir Edward Sugden) had been among the first to declare that he would obey, and inculcate upon others the duty of obeying, the Reform Bill, as soon as it became the law of the land; and he was most sincere in his wish that it might be productive of all the benefits expected from it. With respect to the particular transaction at Clithero, he was of opinion that if the soldiers had gone alone into the town, the riot would have been quelled. He did not pretend to say, that if a candidate went into a town with the view of canvassing the electors upon principles contrary to the popular sentiment, he must not expect to encounter the popular opposition of the place, and ought patiently to bear with it so long as it was confined within proper limits. He for one should most patiently submit to all the demonstrations of popular disapprobation, provided they were so limited. It appeared, however, that the opposition encountered by his hon. friend did not express the genuine sentiments of the electors or of the inhabitants of Clithero. Great numbers, it appeared, flocked in from the neighbouring places not at all connected with the town, and solely for the purpose of obstructing a candidate in the exercise of that right which, under the Reform Bill, he was entitled to. There was only one way in which the people of England could show themselves worthy of the new trust reposed in them, and that was by acting temperately and legally in the exercise of it. By some it was supposed that his hon. friend had done wrong in returning to the town after he had been driven out of it. To him (Sir Edward Sugden) it was quite clear, that had not his hon. friend so acted he would have been stigmatized as a rank coward. "That coward Irving" would have been the expression of those who now complained of his having dared to show himself a second time. He was of opinion, that before a sudden ebullition of political feeling, the party who was the object of it ought to retire, for the purpose only of giving time to the assailants to deliberate upon their conduct, and return to a state of cool reason. Here, however, there was nothing in the nature of an ebullition, which was always sudden and unpremeditated. It was quite evident that this attack was premeditated. Could it be doubted by any reasonable mind? The people would not otherwise have returned to the charge against his hon. friend, having already driven him out of the town. It was impossible not deeply to regret the injuries which had been committed in the conflict between the military and the people; but, at the same time, he must say that, had not the promptitude shown upon the occasion been evinced, greater mischiefs might have ensued. With regard to his hon. friend (Mr. Irving), if he represented him as one of the highest and most respectable merchants that this or any other country could boast, he believed he should not be thought to say too much. No man could stand higher in the scale of society than his hon. friend. Was it not then too bad that one who had so deep a stake in the country, one who was connected with a most important branch of the national interests, and who was in himself so respectable and exemplary a character, should be assailed by tumult and personal outrage in the exercise of a just and undoubted right, and one which partook of the very essence of the Bill which the assailing parties pretended to be an object of their worship? He believed it was only necessary to address the people of England in the language he was then addressing to the House, and they would respond to the sentiment. When an appeal was made to their cool reason, the result was not doubtful.

Lord *Althorp* said, that if such outrageous proceedings as had taken place in this instance should be resorted to in the case of other elections, he was afraid that there would be an end to the freedom of election altogether. He hoped, and trusted, however, that this would be a rare instance of such an occurrence. If it had been the new constituency in Clithero, to whom the Reform Bill had just given the right of voting, that had acted in this manner, the circumstance would have been to him a subject of much sorrow and regret, and he should at once protest against such a proceeding on their part, as one of the grossest outrages that could have been committed against the freedom of election; as, however, even the new constituency of Clithero would be small in amount, this riot, occasioned by a mob of upwards of 10,000 individuals, could not be attributable to the constituency, but was attributable, as in the case of many former election riots, long before the Reform Bill, or any thing like it, was thought of, to other persons who had nothing to do with the Representation of the places in which riots had occurred. In fact, it appeared that the riot was occasioned by an assemblage of the people from the neighbouring country. Now he believed that any borough situated, as

Clithero was, in the middle of an extremely populous district, might be liable to the occurrence of riots of this description, whether its constituency amounted to 20 or to 300, which was the actual number at present in that place. He would not discuss the question as to the prudence of the hon. Member in returning to Clithero. He was satisfied, that if the hon. Member could have foreseen that the effect of his returning there would have been the necessity of dispersing the people by force, the hon. Member, like any other honourable and feeling man under similar circumstances, would not have taken a step likely to be followed by such consequences. He did not mean to deny that the hon. Member was justified in going back to Clithero, but the question here was one of prudence, and as to whether the hon. Member could have foreseen that the calamity of dispersing a mob of persons by force would have been the result of his return there. He was quite sure, that no one for the sake of maintaining his reputation for courage, would have taken such a step, if he could have foreseen that it would be attended by such consequences. He must, in conclusion, repeat what he had already said, that if outrages of this description were to take place at elections, there would be an end to the freedom of election.

Mr. *Hunt* said, that he was far from justifying the outrage which had taken place in this instance, but he would maintain, that such proceedings must be the inevitable consequence of the present state of things, when they found 10,000 persons, as the noble Lord acknowledged, in the neighbourhood of this place, totally unrepresented. It was a very fine farce to talk of the Representation of the people of England, when they found, as in the present case, only 300 voters and 10,000 people.

Sir *John Byng* thought the Magistrates had a perfect right, under the circumstances, to bring the military into the presence of the people. He doubted their discretion, however, in bringing them into so narrow a town as Clithero, where it was impossible that cavalry could act with effect, and where they would be exposed to the most galling and irritating treatment. The office of the Magistrates upon such an occasion was one of great delicacy he knew; but he could not help wishing that they had merely brought the troops in sight: that alone would have given great force to the civil power. He made these observations in a precautionary spirit, because similar occasions might arise before that House met again. Every means of repression should be adopted before recourse was had to military force. It was a serious trial of temper to bring an armed force into the presence of a multitude, and in all cases where troops were called out, they should be accompanied by some one to direct them of a dispassionate and calm temper.

Mr. *Robinson* hoped that this discussion would have the effect of preventing similar occurrences, not only in Clithero, but everywhere else. If the people were left to themselves, such things would not take place. But when they were stirred up by itinerant politicians, who went about exciting the passions of the ignorant, and telling electors whom they ought to reject, and whom also they ought to elect, such outrages as they had witnessed at Clithero were to be anticipated. He condemned these mountebank orators as well for the mischievous intent of their labours as for the impertinence which made them presume to dictate to others how they were to exercise their rights. If such interference were permitted, riot and tumult only could be the results. If left to themselves, the electors of England would not disgrace their characters by such conduct.

Mr. *Irving* returned his sincere thanks to the noble Lord opposite, and the hon. Gentleman, for the sentiments they had been kind enough to express respecting his personal conduct and character.

Bill read a third time.

DECCAN PRIZE-MONEY—CASE OF NARROBA.] Mr. *Hume*, pursuant to notice, rose to present a Petition from the Agents of Narroba Govend Outia, a deceased native Prince of India under the British Sovereignty. He had already declared that in his opinion the honour of the country was concerned in this transaction. It was of great importance that there should be no ground of complaint on the part of any native of our Indian possessions; and, above all, that an impression should not be made in that country, that the interests of the natives were lightly and improperly dealt with. On this point he must censure very much the constitution of the Court of Privy Council, which was the Court of ultimate appeal in the affairs of India. Even the Court of Chancery itself was not more pregnant with delay and expense than the Court of Privy Council, and the latter stood in as much need of reform as the former. He must complain too, of the outrage and injustice done to Narroba, not only in his property, but in his person; and as the subject of the Deccan prize-money was again to be considered, he thought it would be but right to refer the claims of Narroba to the consideration of the Privy Council. Narroba was dragged from his house, and placed under a military escort. His property was forcibly taken away, and many indignities heaped upon him by Captain Robertson. This subject was brought before the legal tribunal at Bombay, and a restitution of the property was ordered to be made to his representatives. That decision was reversed by the Privy Council, and against that decision he now sought the interference of this House. He must assert, that the seventeen lacs of rupees in dispute, were clearly the private property of Narroba, and not of the Peishwah; and that, under the amnesty, he was entitled to have retained them. Technicalities should not be permitted to stand in the way of justice, in a case like this, and even now at the eleventh hour it was in the power of his Majesty to alter the distribution of the Deccan prize-money. This petition had, however, more immediately for its object to pray that the costs of the suit of Narroba should be paid out of the funds in dispute, which he most decidedly said belonged to Narroba, and that the family of the deceased might not be exposed to ruin by prosecuting their rights.

The *Solicitor General* said, he had very lately stated his opinions at length upon this subject, and he would not again repeat them. He was ready to admit that the case of Narroba had not been over-stated, but his property was not seized because he was a banker to the fallen Peishwah, but because he had assumed a military command in the service of that prince. Looking at the whole of the case as the law now stood, and the affair having since been discussed before the Privy Council, he would neither venture to pronounce an individual opinion, nor attempt to lead the judgment of the House.

Sir *Charles Forbes:* But what about the costs?

The *Solicitor General* said, that the costs would be regulated by the decision upon the original claim.

Sir *John Malcolm* said, he was in India when these transactions occurred, and felt it necessary to vindicate the character of those dauntless officers who had fearlessly discharged their duty. Let it be recollected that the country was then in open war, and the conduct of Mr. Elphinstone was from beginning to end of the most honourable character. That war was put an end to; but an under-current war still was going on, and the British officers then engaged had most meritoriously discharged their duty. A capitulation followed; but Narroba broke it, and hence the seizure of his treasure. Captain Robertson was selected to perform the duty of collector because he was the best acquainted with the language. Evidence was given that Narroba had carried away treasure, and hence he was imprisoned and the property confiscated. The people at Poonah were quiet; but why? Merely because we had then 10,000 troops there. He was convinced that Narroba never possessed the fiftieth part of the treasure which was seized, and that it decidedly belonged to the Peishwah. If the treasure had not been seized it would have been used to promote discontent, which it was necessary of all things to put an end to. He thanked the House for their attention, and would now make no further observations on the subject, except this, that he believed Narroba to be a delinquent.

Sir *Charles Forbes* supported the petition. He considered the case of the native Narroba one of great hardship, and entitled to the favourable consideration of this House: at least they ought to award costs to the agent for promoting the claim on which this man's family were now solely dependent, being reduced by the seizure of his property from affluence to actual want.

Mr. *Charles Grant* observed, that, although the circumstances in question had occurred long before he had the honour to hold his present office, it was impossible but that he must feel an interest in them. He would not, however, enter into the merits of the case, agreeing perfectly with his hon. and learned friend the Solicitor General, that the proceedings must be considered as having been closed by the decision given by the Privy Council so minutely on this claim. He would not allow the subject to drop, however, without saying that he thought it impossible that any thing said in this or former discussions on this subject could possibly reflect on the high moral and professional characters of Mr. Elphinstone and Sir Lionel Smith, whose conduct towards natives of India in particular was remarkable for kindness and forbearance. The character of Captain Robertson, too, stood high in all the transactions with which he had been connected in India previously and subsequently to this transaction.

Petition to be printed.

Somerville's Case.] Mr. *Hunt* wished to put the question to the noble Lord opposite which he would have asked of the Secretary at War if he were in the House. He observed, by the papers which had been laid on the table, that a severe reprimand had been given to Major Wyndham by the Court of Inquiry, and from this circumstance he concluded that the Court were of opinion that the punishment of Somerville was for a political and not for a military offence, and that, instead of being punished for breach of duty, he was in reality flogged for having written a letter to a newspaper. His object in rising was to ascertain whether this man was discharged from the army, and, if he were not, whether it was the intention of the Government that he should be discharged.

Lord *Althorp* said, the hon. Member was wrong in supposing a severe reprimand had been given to that gallant Officer: nor had it been proved before the Court of Inquiry that the soldier alluded to had been tried for one offence, and punished for another. As to the likelihood of the soldier being discharged from his Majesty's service, he was not prepared to give a positive answer. He knew it had been resolved upon as advisable, prior to the inquiry being instituted, and that the inquiry being then pending was the reason why that resolution was not carried into effect. In consequence of the result of that inquiry he thought it was probable he would be dismissed the service. Though not officially informed on the subject, he wished to set the hon. Member right as to the grounds of the decision in the case of Colonel Wyndham: the censure passed on that officer was not for having punished Somerville for writing a letter to a newspaper, for, on the contrary, that was proved not to have been the case.

HOUSE OF LORDS,

Saturday, August 11, 1832.

Minutes.] Bills. Received the Royal Assent by Commission:—Speaker's Retirement; Public Accounts; Revenue Accounts (Scotland); and the Lunatics.—Read a second time:—Consolidated Fund; Assessed Taxes; Composition; Lord Chancellor's Salary; Land Revenues (Scotland); Bribery at Elections.—Read a third time:—Special Constables (Ireland); Speaker's Retirement; Land Tax Commissioners Names.

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HOUSE OF COMMONS,

Saturday, August 11, 1832.

Minutes.] Papers ordered. On the Motion of Lord Sandon, an Account of the Exports of Cotton in all Shapes, during the six Months ending July 5th, 1832; and Copies of the Reports of the Commissioners of Emigration, since the last Session of Parliament.

Bills. Read a third time:—Chancery Sinecures; Stage Coach Duties; West-India Island Relief.

Petitions presented. By Mr. Warburton, from the Halifax Political Union, and by Mr. Walker, from five Places in Ireland, against Tithes.—By Mr. Sadler, from Spennythorne and Wensley,—in favour of the Employment of Agricultural Labourers Bill; from York, against the Ministerial Plan of Education (Ireland); from Shilton and Ansley, for an Inquiry into the Distressed State of the Ribbon Trade; and from Ainsworth, Chesterfield, and Hulme, in favour of the Factories Regulation Bill.—By Mr. Walker, from New Ross, for an alteration of the Limits of that Borough.—By Mr. Ewart, from three Places in Ireland, and by Mr. Walker, from Wexford, against the Punishment of Death for Forgery.—By Mr. Jerningham, from Knottingley, and Mr. Hughes Hughes, from Kingston-upon-Hull, for the better Observance of the Sabbath.—By Mr. Spring Rice, from Antrim, against the Roman Catholic Marriages Bill.

Stage Coaches Bill.] Mr. *Spring Rice*, in moving the third reading of the Stage Coach Bill, took the opportunity of informing his hon. friend, the member for Glasgow, that his noble friend, the Chancellor of the Exchequer, had consented to his suggestion, in totally exempting steam carriages from any toll on the ordinary roads. This was not much, but it would be found advantageous in promoting those ingenious and useful inventions.

Mr. *Dixon* expressed his thanks to the noble Lord for his kindness in this respect.

Lord *Althorp* hoped, that those machines would answer the expectations of those who had invented them.

Bill to be read a third time.

Case of William Popjoy.] Mr. *Duncombe* said, he had to present a Petition from an individual named William Popjoy, claiming some compensation for his services, in having been the means of saving the lives of forty-five individuals, who had been put on shore on a desert island in the South Seas, by the convicts who had piratically seized the brig *Cyprus*, which was conveying them from Hobart Town to Macquarie Harbour, Van Dieman's Land. He also claimed compensation for having been employed as a witness against some of the pirates, who were convicted on his evidence: he likewise prayed that some arrears of pay, which were due to him while serving on board a man of war, should be given to him. The circumstances of the petitioner's case, the hon. Member observed, were such as entitled his prayer to the favourable consideration of Government. He had, when a boy, been put on board the *Nimrod* man of war; at the age of twelve he deserted from that ship, and soon afterwards was tried as an accessory in the stealing of a horse. The party who was the chief criminal, and who had induced the boy to take a part in the transaction, escaped, but Popjoy was found guilty, and sentenced to fourteen years' transportation, Of these he spent thirteen years in Hobart town. Before his time expired, the *Cyprus* brig was taken up to convey certain convicts from Hobart Town to Macquarie Harbour. Captain Harris of the brig, asked that Popjoy should be permitted to go with him, as he understood he was a good sailor. He consented to go. On the passage the convicts rose upon the crew and troops, in whose charge they were, and succeeded in getting possession of the vessel, which they took to some part of India, having first put Lieutenant Carew, the military officer in command, and some of the crew, and some women and children (in all forty-five persons), on shore on a small desert island. Popjoy, who had been solicited by the convicts to join them, and refused, was amongst the number so put on shore, and to his skill and intrepidity it was that the lives of the whole were preserved; but for the timely aid which he had been the means of procuring for them, they must have all perished for want of food. The island on which they landed was twenty miles distance from any place from which succour could be obtained. In order to reach the place from which relief could be expected, Popjoy constructed a small canoe of wicker-work, over which he fastened some pieces of tarpauling, smeared with boiled soap. In this frail vessel he and another put to sea, and though they had a distance of twenty miles to go in a tempestuous sea, they succeeded, though in hourly peril of their lives, in reaching their destination. As soon as they reached, assistance was afforded, and the remainder of the party were rescued from their distressing situation. These were circumstances which, he thought, established a fair claim on the part of this man to some remuneration from Government. Besides this, he had several testimonials from different individuals of his good conduct, and also of his activity and zeal on board the *Cyprus*. An instance of this kind he felt it necessary to state. On her way out of port the *Cyprus* was compelled by foul winds to bring up, and during the gale she parted from her anchors. Captain Harris, understanding that Popjoy was an expert diver, asked Lieutenant Carew's permission to have his irons taken off, that he might assist in getting them up. Lieutenant Carew would allow them to be taken off one leg only, and with the two irons on one leg he was allowed to dive for the anchors (a fact that did not speak much for the humanity of the Captain or Lieutenant Carew), and by fastening a rope to each of them, they were recovered. Lieutenant Carew was afterwards tried for suffering the vessel to be taken, and sentenced to be cashiered, but was afterwards restored upon the evidence of Popjoy. Taking the whole circumstances of the case, he thought there was quite enough in it to give a fair claim to this man for some compensation from Government.

Sir *James Graham* said, that the present case had been brought under the consideration of the Admiralty, and they, considering that Popjoy was not only a convict, but had a certain mark attached to his name in the books of the Admiralty which they could not but regard as coming within an order that it would be highly inexpedient for them to rescind; and feeling that, consistently with such an order, they could not give him any reward, they found it impossible to do otherwise than dismiss his application. They were quite ready to admit his gallant conduct; and they regretted that the regulations of the Admiralty would not allow of their giving him those substantial marks of their approbation which they wished. The present was a case which, though it could not be entertained by the Admiralty, was well worthy the consideration of the Treasury.

Petition laid on the Table.

Electors of Westminster.] Sir *John Hobhouse* said, he had then a Petition to present from a numerous body of his constituents, who held a meeting last night at the Crown and Anchor Tavern. He feared that his noble friend would think his worthy constituents very persevering in not being satisfied with the explanation of the operation of the Reform Bill, which his noble friend had already given. They contended, and, he thought, upon very strong grounds, that the effect of the Bill in its present form would be, to disfranchise a very large proportion of those who had hitherto had votes in the city of Westminster; it must therefore give rise to great and extensive discontent. Through several Parliaments he had had the honour of sitting as the Representative of a city which contained no fewer than 18,500 electors; should he be returned to the next Parliament it would only be as the Representative of the comparatively small number of 4,000. In the parish of St. John, out of 1,791 electors, not more than 554 had paid, which left 1,237 without votes. In St. Paul's, out of 549, only 298 had paid, and 251 had not. In St. Ann's, out of 1,403, only 535 had paid, leaving 868 without votes. In St. James's, out of 3,032, only 891 had paid, leaving 2,141. These four parishes yielded a total of no more than 2,268. In the parish of St. Margaret from 600 to 700 voters would be disfranchised, and he feared that the great parish of St. George, which included Pimlico and Chelsea, would be in a similar situation, as well as St. Clement Danes. The electors of Westminster, he was sure the noble Lord would agree with him, would be amongst the last to make any complaint against the Reform Bill, had they not been driven to do so by the situation in which it placed them; and they not only entertained apprehensions for themselves, but for the electors of the whole country, nearly one-fourth of whom would be disfranchished by the new Bill. That surely was an injustice which the promoters of the measure never contemplated, and he therefore trusted that some mode might be devised for remedying the evil.

Lord *Althorp* said, that the new right of voting, as far as scot and lot boroughs were concerned, did not do more than alter the time at which the rates were to be paid up. Formerly, in all scot and lot places, the rates must have been paid before the election; the only difference now was, that they must be paid at the time of registration. The old test of qualification had been retained in the new Bill, and he confessed he saw no reason sufficient to make a change necessary; and if the electors found themselves, as they said, disfranchised, they had only to attribute the circumstance to the fact of their not having paid up their rates in due time; for they certainly would have nothing to complain of, in any instance, where it could be shown that the rates had not been demanded. Suppose a dissolution of Parliament had taken place, and that the day of election happened to be fixed for that upon which the payment of rates had been fixed, would not the electors have been placed in that situation of which they now so loudly complained? He confessed he did hear with great surprise the statement which his right hon. friend had just made, for he was utterly unable to understand how so large a proportion of the electors of Westminster could be disfranchised. He could not conceive how in the wealthy parish of St. James's there could be 2,000 householders who had not paid up their taxes; and he was sure that upon inquiry it would turn out that there had been much misapprehension and exaggeration.

Colonel *Evans* thought, that the noble Lord took too favourable a view as to the number of persons who would be entitled to vote, and that they had been over-rated even by the right hon. Baronet himself. According to the view which he (Colonel Evans) took of it, he would contend that according to the old right, there was scarcely an elector in Westminster who would be entitled to vote—and there were very few, indeed, who would be entitled to vote under the new Bill. He did hope, therefore, that the noble Lord would not allow a new Parliament to meet until this question was set at rest, and until what he called the evil of it was remedied. The people would think that they were taken by surprise, and that it was the intention of Government to limit rather than to extend the franchise.

Lord *Althorp* repeated, that if rates were not demanded of those who heretofore had the right of scot and lot voting, they could not be disqualified by the nonpayment, and therefore every elector could qualify up to the day of registration. He had no wish to limit the franchise or to disqualify any elector by the operation of this Bill. He might, it was possible, lose the confidence of the people by a misapprehension in this respect; but if that should happen (which he should exceedingly regret), it would still be a satisfaction to him to reflect that he was a member of the Government who carried the Reform Bill. But he had little fear of losing the public confidence on any matter connected with that measure.

Colonel *Evans* said, that the noble Lord might be mistaken in laying that flattering unction to his soul; for though he gave him full credit for his intention to extend the franchise, the people might not be satisfied when they found that no means were taken to remedy that part of the Bill which would operate to the limitation rather than the extension of the right of voting.

Mr. *Hughes Hughes* said, that there seemed to him to be an erroneous opinion as to the power of altering and amending the Reform Bill in the present Session. That power, he conceived, fully existed according to the forms of the House; for, by a clause in the Boundary Bill, it was enacted, that that Bill, when it did pass, should be taken as part and parcel of the Reform Bill, as much as if it had been embodied in it; and by a subsequent clause in that Bill it was enacted, that it might be altered and amended in the present Session. He had consulted several eminent lawyers on the subject, who all gave it as their opinion that the Bill might be altered and amended in this Session.

Lord *Althorp* apprehended that the technical ground which the hon. member had taken would not do, but he (Lord Althorp) had not gone upon any technical ground in the measure which he had proposed to bring in on this subject. He had withdrawn that measure, because, if it were opposed, there would not have been time to pass it before the 20th of August, the period to which he had proposed to extend the payments; besides, he did not feel disposed to press a matter for discussion in so thin an attendance when opposition was offered to it.

Mr. *Warburton* expressed a hope that if the Bill was to be amended, it should not be by a Parliament which still included schedule A. He regretted very much that the operation of any clause of the Bill should tend to limit the franchise in any part of the kingdom; but still he would rather have it amended by a Reformed Parliament.

Mr. *Hudson Gurney* did not think that the noble Lord could at all be blamed for the operation of this clause, nor for his desire not to bring the subject again under discussion in the present Parliament. At the same time he should feel no objection to the introduction of a bill to remedy any defect that might be found in the Bill.

Sir *Charles Forbes* was not surprised that many of the electors had neglected to pay their rates when they had been advised by several hon. Members not to do so. He had heard it said, that the hon. member for Middlesex had advised several persons not to pay their rates, and the hon. Member himself had not denied the fact. If electors, therefore, had chosen to disqualify themselves, they must take the consequences.

Sir *Francis Burdett* said, that the statement of his noble friend as to the scot and lot right of voting, ought to be satisfactory to those who had heretofore exercised that right, namely, that payment of all rates demanded up to the day of registration would be sufficient. He thought that there was something in the point alluded to by the hon. Member opposite (Mr. Hughes Hughes), as to the power of altering and amending the Bill in the present Session; but even if that ground did not exist, he saw no reason why the Bill should not be amended in the present Session if necessity required it. There was no act to prevent such an alteration, even though a clause had not been introduced to declare that it might be so amended. The only practical objection that could be made to such Amendment would be, that many Members had gone away who probably would have remained had they thought that the Bill was to be altered; but that objection could not well apply to this case, as no alteration of the Bill itself was contemplated, but merely an extension of the time at which voters might qualify. They had recently heard much of pledges, but it appeared to him that the public had a right to expect that the pledges which that House had made to give them an efficient measure of Reform should be redeemed, and that if the measure was found to be less efficient than was intended, the defect should be remedied before it was too late.

Petition read.

Sir *John Hobhouse* said, that, as he viewed the clause relating to the payment of rates, he feared that the electors of Westminster were put in a much worse situation than they were before. At all events, a vast number of them had got into a predicament from which they could not easily extricate themselves, and, therefore, he was anxious that, if the difficulty which they apprehended existed, it might be removed.

Mr. *Hudson Gurney*, in explanation, observed, that what he stated was, that the noble Lord was not to blame for the defect of the Bill as it stood; but so far was he from opposing the remedy for that defect, that he would have no objection to the introduction of a bill for that purpose, which should go through all its stages in one day.

Petition to be printed.

BANK OF ENGLAND.] Lord Althorp moved that the Secret Committee appointed to inquire into the affairs of the Bank of England should have leave to report the minutes of evidence taken before them.

Agreed to.

The noble Lord brought up the Minutes of Evidence, which he moved should be printed.

Mr. *Sadler* asked whether the Minutes contained the whole of the evidence taken by the Committee?

Lord *Althorp* said, that they did contain the whole of the evidence with the exception of some small part which referred to the private affairs of individuals who had been examined. Indeed, the whole of the omissions consisted of two questions which had been asked of one witness, and which related to his private affairs.

In answer to another question by an hon. Member,

The noble Lord stated, that all the documents produced before the Committee were given in the Minutes, with the exception of those which were repetitions.

Mr. *Hughes Hughes* wished to ask the noble Lord whether he had the sanction of the witnesses to the publication of their evidence? The reason why he asked the question was, that he was the other day in company with a gentleman who had been examined before the Committee, and who stated, that considering it a committee of secresy, he had given evidence which he should not wish to have done if he had thought it would be published.

Lord *Althorp* felt the difficulty to which the hon. Member alluded, and to obviate any objection on that ground, the question was put by the Chairman of the Committee to every witness examined, whether he had any objection to the publication of his evidence, or whether there was any part of it which he would wish to have omitted. The answer from every one of them was, that they had no objection, except in the case of the two questions to which he had before alluded.

Mr. *Sadler* wished to know, whether those omitted questions related to any important public matter.

Mr. *Hudson Gurney* did not think the question a fair one, considering that this was a Secret Committee.

Lord *Althorp* repeated, that the matters related to the private affairs of the individual under examination, and which were given in illustration of the general question. The noble Lord added, that he should not do justice to the witnesses if he did not say that the whole of their evidence was given with the utmost candour and fairness.

Evidence to be printed.

ADJOURNMENT—AFFRAY AT CLITHERO.] Lord *Althorp* moved, that the House at its rising do adjourn to Wednesday next.

Sir *John Byng* wished to take that opportunity of setting himself right with the House, with respect to an allusion made to him in *The Times* of that day. In an article in that paper, he had been alluded to respecting some remarks which he had made on the previous evening, on the disturbances at Clithero, and it was put, inferentially, that though he might object to a massacre of the people by the troops in a narrow space, he would not have the same objection in a more extended sphere. To the House, and to those who knew him, he trusted it was unnecessary to say, that such an imputation was wholly unfounded. He did not charge the paper in question with any intention of maligning him, for he believed that it was made under a total misapprehension of what he did say. What he said was, that he regretted extremely the calling in of the troops until all means had been resorted to which could render their presence unnecessary. He meant to cast no blame upon the Magistrates in this case, but to express his regret generally, that military aid should be called in until every other means of quelling the disturbance had been found ineffectual. And his regret was the greater in this instance, because from his knowledge of the place, he was aware, that being narrow and confined, the cavalry, when called in, must almost necessarily be brought into collision with the people, a collision which might be avoided if they had a more enlarged sphere to act in. But he never meant, and never said, that it would be desirable to call in the military into any place where their presence could possibly be dispensed with. He knew that when the military were called in to act in confined and narrow spaces, in which, as he had said, they must be brought at the first moment into almost personal contact with the parties, upon whose proceedings they were intended to be a check, they ran the risk of hearing irritating language, and sometimes of being assailed by missiles, which might, for the moment, disturb that good temper and good feeling with which British soldiers were in the habit of performing their duty. But from all this they would be removed if they could be drawn up in such open space, where their presence would have all the effect of intimidation without any of the danger of immediate contact. He stated this as a general remark, and as what he meant to convey in what he had said on the occasion in question; but he supposed that the misapprehension arose from his imperfect mode of expressing himself, rather than from any wish to mis-state anything that had fallen from him. It would, however, be in the recollection of any hon. Members who had attended to him, that he had distinctly expressed his regret, that the military should have been called in until every other means had been tried to preserve tranquillity by the civil power. He had admitted that Magistrates were placed in a difficult situation, but that did not alter his general remark, that the military ought to be called in only in the last resource, and that even then, if possible, they should be so placed as to display their power without using it. He was sure that the imputation cast upon him arose from a misapprehension of what he did say, but still, as it had been made, he felt it necessary to set himself right on the subject.

Motion agreed to.

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HOUSE OF LORDS,

Monday, August 13, 1832.

MINUTES.] Bills. Read a third time:—Composition of Tithes (Ireland); Bankrupt Laws Amendment; Turnpike Tolls. —Read a second time:—Civil List Payments.

Petitions presented. By the Earl of MEATH, from Cavan, and by the Bishop of HEREFORD, from Rametton, and Leighton Bridge,—for the Abolition of the Punishment of Death in Cases of Forgery.

COMPOSITION OF TITHES (IRELAND).] Lord *Teynham* said, that he had a petition to present against the Bill for the Composition of Tithes in Ireland, which stood for a third reading on the Orders of that Day. The petition was from Sir William Brabazon of Brabazon-park, in the county of Mayo, a gentleman of considerable consequence in that county, and who, he believed, on this occasion spoke the sentiments of a large portion of the landed gentlemen of Ireland. The petition prayed for the abolition of tithe in Ireland, a prayer in which he fully concurred. Tithe, he observed, must be considered as national property, and, as such, the legislative authority of the nation had a right to apply it for national purposes. Indeed, this principle had been acted upon on more than one occasion. At the Reformation, the tithes were transferred from the Catholics to the Protestants; and, on several occasions, there had been, in England as well as Ireland, a frequent transfer of church property from ecclesiastical to lay uses. As to the Bill before the House, he would admit that his Majesty's Ministers had no other resource but to pass it; but to say that they would settle the tithe question in the attempt to transfer it from the tenants to the landowners, was more, he believed, than any one who knew the state of Ireland would venture to assert. In fact, place tithes where they would, the question had come to this, that if collected at all, it must be by the aid of the King's troops; and if Ministers determined upon that course, he would say, that in a mere pecuniary point of view, the collection would cost three times more than the value of the thing collected. Such an attempt would remind him of the threat made by Louis 14th to the Algerine ambassador, that he would send a fleet and army, and totally destroy Algiers. The ambassador asked how much it would cost his Majesty to carry his threat into execution; and on being answered, that it might be a million of money, he replied, that if his Majesty would agree to pay half that sum, he would undertake that not a house in the place should be left standing. In the same feeling, he (Lord Teynham) would say, that on the score of expense, it would be much cheaper for Government to pay the tithe than to employ troops to collect it. He knew that the Bill before the House would pass, but let it. It would do no good, and he was sure that, next Session, the Table of the House would be covered with petitions, praying for the total extinction of Tithes in Ireland.

The Bishop of *London* said, that the noble Lord had more than once, in the course of his remarks, stated that this Bill would be utterly useless. If that were so, where was the use of the remonstrances that were heard against it?

Lord *Teynham* repeated that he did consider the Bill useless, and that it would be impossible to enforce the collection of tithes in Ireland without the aid of the military power. If the right reverend Prelate were of opinion that an army should be so employed, let him put himself at the head of it, and if he consulted Gibbon's *Decline and Fall of the Roman Empire*, he would find where his bones would probably lie in that event.

Petition to lie on the Table.

PARTY PROCESSIONS (IRELAND) BILL.] Viscount *Melbourne*, in moving the second reading of this Bill, said, that as the measure was one of importance, he felt it necessary to say a few words upon it. The object of the Bill was to declare the illegality of those party processions in Ireland which had so frequently disturbed the peace of that country, particularly in the north. These processions had for a long time been a cause of alarm to the country, and precautionary measures on the part of Government; they had frequently been attended with riot and tumult, and often ended in bloodshed. Their avowed object was the commemoration of former events, yet it was evident that they were got up to serve the purposes of the present time. They were calculated by a large display of physical force to cause alarm in the minds of peaceable men, and indeed were greatly injurious to those who were engaged in them, as they led to excesses of various kinds, and kept up party feelings and animosities, which every friend of order should wish to see at an end. When meetings of this kind, or indeed large assemblages of any kind were held, and the parties conducted themselves peaceably, it was perhaps the more prudent course not to interfere with them; but experience had shown, that however peaceably some of those meetings had been conducted at times, their general tendency had been of a contrary character; and when, as was the fact, it was found that advice and remonstrance had, year after year, been thrown away, in the endeavour to put a stop to them, it became the duty of the Government and the Legislature to step in and prevent them in future. In wishing to put an end to those party processions, he should not, he hoped, be considered as being opposed to the principles of the great revolution which they were ostensibly held to commemorate. He would then also deprecate the charge of having in this measure, aimed at any one class of men in particular. The Bill extended to party processions of any kind; its object was to prevent tumult, and to strengthen the hands of the executive in preserving order. An objection had been made to the Bill when it was first introduced into the other House, that it then being the end of June, and the Bill being intended to prevent, amongst other meetings, those which were to be expected in the succeeding month of July, it would find men in a state of excitement, in which they might be tempted to a breach of the law, and that, under these circumstances, it would not be prudent to make it immediately operative. Whatever might have been the force of that objection at the time it was urged, it could be of no weight at present, for the period of the meetings alluded to had since passed away, and a quiet time had now arrived when no such excitement could be alleged as an argument against the measure. Under these circumstances, he thought the present time was a very proper one for the passing of such a measure. He, therefore, moved, that the Bill be now read a second time.

The Duke of *Wellington* did not rise to make any serious objections to the Bill; on the contrary, he concurred in its principle, and only wished that its provisions had been extended to all processions and to all large assemblies of all classes of his Majesty's subjects from which any disturbance of the peace might be apprehended, as well as to the processions of the Protestants of the north of Ireland. He regretted the introduction of the Bill in its present shape on this ground; and the more so, as he knew that many noble friends of his, Members of that House, and also many hon. friends, Members of the other House of Parliament, had left town under the belief that the Bill would not be pressed in this Session. He threw out this for the consideration of the noble Lords opposite, particularly as there would be ample time for the passing of such a measure in the early part of the next Session, before it could interfere with the return of those kinds of processions against which it seemed to him to be principally directed. He did not think the measure expressive enough to extend to all kinds of processions which it was desirable to put down. He had seen many processions in Ireland in honour of the memory of William 3rd, but they were conducted with good order, and without any bad feeling towards those who differed from the persons who formed the processions. At the same time, he did not mean to say, that meetings of that kind, tending to a breach of order, should not be prevented. He, himself, was a party to a proclamation issued by a late Lord Lieutenant of Ireland to put down meetings tending to a breach of the peace. He therefore could not, on principle, oppose such a Bill as this, if it were properly extended, and introduced at a fit time. He should wish the noble Lord to withdraw it for the present, and introduce it, making it more extensive, the next Session of Parliament.

The Marquess of *Lansdown* remembered the very active part which the noble Duke had taken in preserving the peace of Ireland on the occasion to which he had alluded, and he gave him full credit for the same intention at the present moment; and if he thought that the present Bill was as partial in its operation as the noble Duke seemed to consider, he should willingly ask his noble friend at the head of the Government to defer it, or indeed would oppose it altogether; for he would admit, that any appearance of acting against only one party in the present excited state of Ireland would be extremely imprudent; but if the noble Duke would look at the provisions of this Bill, he would find that it equally included processions of all descriptions. The preamble stated that—"Whereas great numbers of persons belonging to different religious denominations, and distinguished respectively by various emblems expressive of party feelings and differences, are in the practice of meeting and marching in procession in Ireland upon certain festivals and anniversaries and other occasions," &c.; and then the Bill proceeded to enact, "That from and after the commencement of this act, any body of persons who shall meet and parade together, or join in procession, for the purpose of celebrating or commemorating any festival, anniversary, or political event relating to, or connected with, any religious distinctions or differences between any classes of his Majesty's subjects, or of demonstrating any such religious distinction or difference, and who shall bear, wear, or have amongst them any fire-arms or other offensive weapon, or any banner, emblem, flag, or symbol, the display whereof may be calculated or tend to provoke animosity between his Majesty's subjects of different religious persuasions, or who shall be accompanied by any music of a like nature or tendency, shall be and be deemed an unlawful assembly, and every person present thereat shall be and be deemed guilty of a misdemeanour, and shall, upon conviction thereof, be liable to be punished accordingly." It was clear from this, that the measure was not directed against any one particular class of men exclusively, but was general in its application to all classes. He, therefore, thought that it did not come within the first objection made by the noble Duke. As to the second he would say, that if he thought that any intimation had been given that the measure would not be proceeded with in the present Session, he would most readily accede to the noble Duke's suggestion of postponing it; but in the communication made to him by his right hon. friend (Mr. Stanley), in whose department this more immediately came, it was most distinctly said that no such intimation had been given. The delay took place only till the particular period of excitement to which it was supposed to refer should have passed over.

The Marquess of *Westmeath* said, that he was under the same impression as the noble Duke, and so were several of his friends, that the Bill would not be proceeded with during the present Session. He was unwilling to talk of distinctions between Catholics and Protestants, and the less so, as he had been favourable to the measure passed with respect to the former; but he must say, that the Catholics with, he would admit, many splendid exceptions, had broken faith with those who had supported their cause. He thought that the present Bill would be taken by many in Ireland as pandering to the morbid feelings of the Catholic party, and not dictated in the spirit of fairness as a measure equally affecting all parties. The Bill alluded to persons coming armed to those processions, and seemed as if directed against one class of men. He was not an Orangeman, and never had been, and probably never should be, but he must say, that the King of England was as much indebted for the defence of his Crown to the Orangemen of Ireland as to any other body of men in the Empire, for certainly there was no class of men who had shown more loyalty. It was unfair, then, to bring in a parliamentary measure which seemed to be chiefly directed against them. It looked as if the Government were truckling to men who had rebellion in their hearts, and the subversion of all order in their dispositions. He would, on these grounds, express his hope that the Bill might be deferred.

Bill read a second time.

GREEK LOAN CONVENTION.] Earl *Grey* rose to move the Second Reading of this Bill. He stated that a Convention had been entered into between the Three Powers who had interfered in the affairs of Greece, and who, by this Convention, had agreed to offer the throne of Greece to a European prince, and to guarantee a loan, which was to be negociated for the purpose of enabling the executive there to carry on the duties of the government. The object of the present Bill was, to enable his Majesty to carry that Convention into effect, so far as his Majesty was concerned. He did not think it necessary for him to enter at any length into the discussion of the circumstances under which this Convention had been made; neither did he feel called on to say anything on the policy of the original interference. That interference had been made, and then the only question was, whether assistance should be given to the Greeks, and in what manner that assistance could be best afforded. He thought no one would deny, that after the part we had already taken in this matter, and after the struggle which the Greeks had made on their own behalf, we were bound to do all we could for them, consistently with our own interests, and the faith we owed to our allies. The negotiations which had been entered into to place the present king of the Belgians on the throne of Greece had failed. He regretted that it had, because he thought that that prince possessed every qualification for the high station which had been then offered him. Looking at all the circumstances of the case, he was convinced that that was the best arrangement that could have been made, and he believed that all those who had had the best means of judging of that matter were of the same opinion. The same principle of policy which had originally induced the Three Powers to attempt to place Prince Leopold on the throne of Greece, had induced these Powers to establish on the throne of that country, in conformity with the powers with which they had been invested, the Prince Otho of Bavaria. On a former occasion, he had heard that the choice of the person was open to much objection. He admitted that, it might be objected to the choice of Prince Otho, that it was an undoubted disadvantage that a minor should be placed on the throne of that country. He admitted, that some objection on that account might be urged, although he did not think that any strong objection would be put forward on the score of the prince's religion. If, however, such objections were made, he could only say, that, taking all the circumstances into consideration, and looking round among all the princes of Europe, he believed that this was the only choice left to the Allied Powers; for he did not know among the other princes any one to whom equal if not superior objections might not be urged. Considering these things, he was induced to hope that the arrangement now made would prove beneficial. It was generally known, that from the beginning the king of Bavaria had shown a particular interest in the struggle, by which it was hoped that the Greeks would be rescued from the domination of the Turks, and that feeling became a strong recommendation to place on the throne of the country one of his sons. It was agreed among the Allied Powers to offer the throne to Prince Otho, and that offer had been accepted. For the purpose of rendering effectual what had been done, this Convention was made. The object of this Bill was to enable his Majesty to give the guarantee of this country to a loan to be raised for the government of Greece. Every one must be aware, that a government could not be established in Greece without such an assistance. The loan was proposed to be recognised on the same terms as had been proposed by the former administration. The loan proposed was 60,000,000 of livres to be equally divided between the Three Powers, each of which was to be liable only for its own quota. This sum was to be advanced by instalments, with securities upon the revenues of the country for the payment of the interest, and for the accumulation of a sinking fund to discharge the principal itself. If the interest on the first instalment was not paid, its amount was to be deducted from the second instalment whenever that should come to be demanded. He believed, that if the government was once settled, there would be no difficulty whatever in its finding a perfect adequacy of funds to meet these engagements. If, however, it should not be able to do so, all that Great Britain would render herself liable to pay would be a sum of 800,000*l.* They thought that under all the circumstances this country would not hesitate to take upon herself the possibility of such a burthen. By the arrangement now entered into, the Volo and Arta were made the boundaries of the Greek empire, and for that a compensation of 500,000*l.* was to be given to the Turkish government. That arrangement was, he was happy to say, effected to the complete satisfaction of the Turks. Under these circumstances, he trusted that the House would allow the Bill to be read a second time.

The Duke of *Wellington* said, that he felt this was not the time for discussing the question of Greece, and of the policy to be pursued with respect to it, though he doubted whether it would be beneficial to the commerce of England; but he could not help expressing his feeling that there were some objections to one part of the arrangement. On a former discussion, a noble friend of his had stated the objections which existed to the choice of Prince Otho, and he believed it would appear from the protocols, that in the course of the negotiations, it was determined that in case the prince selected should not be approved of by this country, we were not to be bound to assist in making the advances; but as soon as the prince selected was approved of by the Government, he admitted that the engagement was binding on us. Under these circumstances he had nothing to say against the present Bill, now that the selection of the Prince was approved of. One part of the papers to which he wished to call the attention of their Lordships was, what he thought to be an oversight of the noble Earl. By one of the articles of the Convention (the 14th) it was stated, that 'His Majesty, 'the king of Bavaria, shall lend his assist'ance to the Prince Otho in raising in 'Bavaria a body of troops, not exceeding '3,500 men, to be employed in his service, 'as king of Greece, which corps shall be 'armed, equipped, and paid by the Greek 'state, and be sent thither as soon as pos'sible, in order to relieve the troops of the 'alliance hitherto stationed in Greece. 'The latter shall remain in that country 'entirely at the disposal of the government 'of his majesty the king of Greece, until 'the arrival of the body of troops above'mentioned. Immediately upon their ar'rival, the troops of the alliance already 'referred to shall retire, and altogether 'evacuate the Greek territory.' A protest had been entered against this article, declaring on behalf of France, that it was conceived in terms in which the true meaning could not be meant to be expressed, for that it never could be meant that French troops were to be at the disposal of a king of Greece, and that it was only the intention of the Allies to sanction arrangements that the king of the French might enter into with the king of Greece on the subject of those troops. From that protest he inferred, that it was the intention of the king of the French to enter into a separate treaty from his Allies with respect to the French troops. The protest was against the terms of the protocol of the 3rd of February, 1830, by which no troops of any foreign power should be allowed to enter the Greek state without the consent of all the other Powers. He was sure that no miserable quibbling would be used as to the word "enter;" and if that was the case, he thought some alteration was required in the arrangements, for noble Lords must see that the protest of the king of the French was opposed to the spirit of the protocols.

Earl *Grey* thought that this arrangement and settlement of the new state would be an advantage to the commerce of this country. That objection, however, if made at all, ought to have been made on the question of the separation from Turkey. That separation having taken place, it must be agreed that such a boundary should be given to the new state, as would prevent future collisions on that subject. The protest of the French Minister was, as it appeared to him, a mere matter of form. By the literal interpretation of one of the articles of the Convention, it appeared that the foreign troops now in Greece, which were, as everybody knew, French troops, were to be at the disposal of the king of Bavaria. Such a right to command French troops, there had been no intention to confer; and the protest was only a saving of the honour of France, that her troops should be under the direction and management of her own lawful authorities. It was intended, in fact, that on the arrival of the Bavarian troops, the French troops should evacuate the country, which he was sure they would do with the most perfect good faith. The substance of the Convention was satisfactory to all parties, and this protest had only been put in to save the French honour.

Bill read a second time.

FORGERY.] The *Lord Chancellor*, having moved the Order of the Day for the House to go into Committee on the Forgery Bill, observed that the law had been inoperative for the last few years, for the punishment of death had deterred many persons from prosecuting, believing that such a punishment was much too severe for offences committed against the statute. The law had not originally visited parties convicted of that offence with the dreadful penalty of death. By the 8th and 9th of William and Mary, when for this offence a heavier punishment was first inflicted, the forging of Bank notes was made a capital felony, and at different periods forging other instruments was visited with a similar punishment, until it might be said, that nearly all instruments being forged, the punishment of death was inflicted. For many years after the offence was first made capital, the law was conformable to the practice, and the punishment was almost invariably inflicted on the conviction of the criminal. For thirty years after that Act had passed, in the greater number of cases of conviction, the sentences were carried into execution; and where it was not, it was owing to some very peculiar circumstances, which induced the Crown to extend mercy. Of late, scarcely any person had been executed for forgery. A denouncement had gone forth against the severity of the law, and it might almost be taken as a general rule now, that no one had suffered, whilst in former times no one escaped. Did the punishment deter persons from committing the offence? It was notorious that many persons had an aversion to prosecute, on account of the severity of the sentence; and parties who were immoral enough to commit the crime, to administer to their own luxuries or extravagance, heedless of what misery and wretchedness it entailed on their victims, frequently committed it in the expectation that they might escape. They would run the risk, because they saw the uncertainty of the punishment overtaking them, for the reasons which he had stated. When their Lordships found that many persons in their cool moments were averse to so heavy a punishment, who did not recommend the alteration of the law from any sudden impulse of humanity, though that was a feeling which was creditable to the breast cherishing it—when their Lordships discovered that many of these persons who recommended the abolition, were the best able to judge of the matter as it affected the interests of the community, when merchants, bankers, and others who dealt in bills and paper securities, strenuously sought to abolish the punishment of death for the offence of forgery, he believed their Lordships would not lend an indifferent ear to such suggestions. When their Lordships found that there was an unwillingness to prosecute on the part of those who suffered from the crime being committed, they would certainly not be averse to an alteration of the law on the subject. It had been said, in addition to parties who had suffered from offences of this nature being unwilling to prosecute, that juries were likewise averse to give verdicts of guilty; and thus the criminal escaped. His own opinion was, that what had been asserted respecting juries being unwilling to pronounce verdicts of guilty, was much exaggerated. There might, and undoubtedly was, an unwillingness in juries to convict, but that was not so material as to the necessity of altering the law, arising from the aversion which prosecutors, and even witnesses, felt to come forward in cases of this nature. He had in his hand some returns, to which he would now call the attention of the House; and he thought it would be seen that his argument was borne out by facts. In the seven years ending in the year 1830, there had been 217 capital convictions, and only twenty-four suffered death. In but seven years, therefore, only about one in nine had been punished to the extent of the law. Now, when they came to look at the committals, and compared them with the convictions of another period, partly embracing the same time as the preceding return, it would be seen how many had escaped altogether. For the period of nine years, ending in 1828, 708 persons had been committed, charged with the capital offence, and 334 were acquitted, or about one-half of the parties who had been tried. If these numbers were compared with the numbers for the first period who were tried for the minor offence, it would be seen how much more certain was the latter as respected conviction—and, consequently, punishment. Of 558 tried for the minor offence, only fifty-seven escaped conviction. Instead of there being only one-half convicted, as the numbers of those committed for trial on the capital charge showed, there was not one in ten escaped of the persons who were committed for trial on the minor offence. It would be endless to go into facts connected with these proceedings. Taking the year 1821, there had been 1,108 persons committed, charged with capital offences against the person and property, and out of this large number only eleven escaped. Two or three years back a noble friend of his had introduced a bill repealing the law which made it a capital offence to steal from a bleaching-ground, before which period not one person in twenty committed for the offence was convicted; but, since it had been made a clergyable offence, not one-half committed escaped. These things proved that a punishment might be much too severe — thwarting justice, instead of supporting it. The punishment of death had been denounced in cases of forgery. Sentence had gone forth against it. He did not now advert to the feelings of the public upon the question, for the minds of men had been long made up on the subject—not the feelings of the hour or the day — not opinions taken up at random, or seized at a moment of excitement—but he adverted to the opinions of men who were immediately interested in the matter—men who were alive to what affected them—and who had, equally with all classes of the community, denounced the law as it now stood. When he had the honour of a seat in the other House of Parliament, he presented a petition, signed by 264 country bankers, against the punishment of death being inflicted for forgery, and these represented 735 members of firms—or nearly 1,000 provincial banks. Now it had been said, that the law had been expressly framed for the protection of the dealers in paper currency, but these petitioners did not deem it of that character: and, be it recollected, they were influenced by no wild theories — no fantastic speculative notions of legislation, taken up to-day on slight grounds to be abandoned to-morrow —but they viewed the matter coolly, as tradesmen having a large capital at stake —as dealers in paper currency. They looked upon the law as a most ineffectual means of protection, and wished it to undergo a great alteration. The law had been denounced, and sentenced, and condemned, not only by the country, but twice by one branch of the Legislature. What chance was there, after the House of Commons had passed two bills, denouncing the law as it now stood, and proposing a milder one, that prosecutors, and witnesses, and Juries, and Judges, should carry it into execution? What probability was there, he would ask their Lordships, now that the House of Commons had twice passed a bill abolishing the punishment of death for forgery, of Juries convicting, or Judges sentencing, under the present law? He trusted that their Lordships would not, after a bill had twice passed the other branch of the Legislature, again reject it. He now begged to move, "That the House do resolve into a Committee on the Bill," and said, he had some verbal alterations to make in it.

Lord *Wynford* said, it was not his intention to oppose the present Bill. He was anxious, as experiments had been made with other measures relating to alterations of the law as to offences, to see the experiment now proposed made with the Bill on their Lordships' Table; and he most sincerely hoped that the experiment would be found to answer. The House would only be performing its duty in subjecting the matter to trial, for if the experiment did answer the expectations formed upon it, he had no hesitation in declaring, that it would be most cruel and wicked to inflict the punishment of death for a crime, were it not necessary to secure men's lives or their property. After the Legislature had repealed the law which made it a capital offence to steal in a dwelling-house, where people generally kept their most valuable property, it would be inconsistent to keep the punishment of death for other offences, such as some which the present Bill included. He rather doubted some of the conclusions come to by his noble and learned friend, as to the returns to which he had adverted. His noble and learned friend seemed to forget that, with respect to many of the minor cases which he had quoted, two indictments were generally prepared, and if the party charged did not think fit to plead guilty to the minor offence, the capital charge was gone into. This would have some effect as to the numbers in the returns. Judges were in the habit of telling persons charged that, if they pleaded guilty to the minor charge, the capital charge would not be gone into. He hoped it would turn out, that the view which he had taken of the subject of capital punishments was a narrow one, but he could not help believing that the perspective of the gallows deterred many people from committing crimes, who would rush into the commission of offences, when they learned that the only punishment was transportation. When the returns, for which he had a few days ago moved, were upon the Table, he should have an opportunity of making some comparative calculations, which he thought would bear him out in his opinions. He should be sorry to see the law extend the milder punishment of transportation for all cases of forgery; for instance, he thought that exceptions ought to be made in cases where wills were forged. He had witnessed in the Court over which he had the honour of presiding a most ruinous effect of an alteration in a will. The alteration was trifling, and managed most dexterously, so that, until the document was held up to the light it could not be detected. The party who purchased the property supposed it was a tenancy in fee, whereas it was a tenancy for life, and he was completely ruined. The party who had been guilty of the forgery, had substituted the one word for the other. He need not urge to their Lordships the extreme importance of wills, and how necessary it was that they should remain unaltered, how much the welfare of many parties depended on that; and yet, by the Bill, such a crime could only subject the parties to transportation. He wished that an exception in this respect should be made, and he should, therefore, submit to their Lordships, when in Committee, an amendment to that effect, and should also propose that similar alterations should be made in this Bill as were, at his suggestion, introduced into a former Bill, the object of which would be, to deprive the Judges of any discretionary power as to the sentence to be awarded on conviction; and he was the more desirous of doing this, that the cases would be tried at sessions, so that any Recorder would be enabled to inflict any punishment he pleased within the scope of the Bill. Such an alteration would not interfere with the power of the Crown in respect to the extension of mercy. Their Lordships knew that that prerogative could not be taken away but by express words in a Statute, and none such had been introduced into this Bill. It would still be open to his Majesty to extend that mercy in all cases he might please; the only difference would be, that sentence of transportation for life must first be pronounced, and the execution of that sentence would depend on only two persons—the one the Secretary of State, who had to give consideration to all the cases which occurred throughout the kingdom, and the other his Majesty; whereas, if the Bill remained in its present state, Magistrates would be acting on different rules, and awarding different degrees of punishment for the same offence, thus rendering the operation of the law variable and uncertain.

The Marquess of *Lansdown* having some years ago, proposed to their Lordships to pass a bill founded on the same principles as that under consideration, he could not be expected to do otherwise than give his full and cordial assent to it, and express the sincere satisfaction he felt in thinking that a bill to abolish capital punishment in cases in which it had been found practically inefficacious, and revolting to the feelings of prosecutors, jurymen, witnesses, and all who were concerned in carrying it into effect, was at length to be passed. He rejoiced that, after three years had elapsed since the former decision was pronounced, this House had been brought, by a consideration of the subject, into a different frame of mind. He was unwilling to add anything to the arguments stated by his noble and learned friend, but he felt bound to say, that the course which he should have wished to pursue when he brought the subject under the notice of the House three years ago, he wished to be pursued on the present occasion—namely, to proceed to abolish the punishment of death in all cases of forgery, with the exception of certain cases, to which the arguments did not apply with the same force as to the rest. In that Bill, which their Lordships thought went a great deal too far, and, consequently, rejected by a large majority, it was provided that its operation should not extend to forging a power of attorney relating to the public funds, and to the forgery of wills. He certainly was not aware of any instances of the commission of either of those offences in which a disinclination had been evinced to prosecute, or give evidence against, the accused. Both of them generally involved consequences very different from those which resulted from ordinary cases of forgery, affecting the whole property of an individual—tending to degrade, perhaps ruin him, and to convert a course of prosperity into one of misery—requiring too, for the exertion of them, a degree of premeditated contrivance and guilt singularly calculated to remove the scruples which in other cases existed against carrying into effect the execution of the law. All these circumstances, afforded strong ground for the exception of these two offences from the operation of the Bill, and the continuance of the punishment at present attached to the commission of them. He was not disposed to urge any opinion of his against the weight and authority of that of his noble and learned friend. He was unwilling to urge it against what might be the feeling and opinion of the House; but if the noble and learned Lord opposite should move an Amendment on the subject of the forgery of wills, he should support the noble and learned Lord. Though anxious for the abolition of the punishment of death in all cases, he would rather that that end should be arrived at as the result of experience, than as a consequence of any general principle.

The Duke of *Wellington* had, in conjunction with a noble and learned friend of his, opposed the Bill to which allusion had been made by the noble Marquess. Though his opinions had not changed since that time, he did not intend to offer any opposition to the present measure, but he must be allowed to add, that exceptions ought to be made as to the punishment to be inflicted for those offences which had been particularly referred to as offences to which the arguments in favour of the abolition of capital punishment did not apply. He had no doubt that if some amendment were not made in the law as it respected powers of attorney, relating to the public funds—some amendment of the description proposed by his noble friend, so as to give some security to the Bank of England for that species of property—the Legislature would be under the necessity of adopting arrangements in relation to those instruments which must prove of the greatest possible inconvenience in the transaction of public business, and which must be injurious to those engaged in the transfer of funded property. He hoped, therefore, that Amendments of the kind proposed would be introduced.

House went into Committee.

Lord *Wynford* having, at the suggestion of the Lord Chancellor, agreed to postpone his Amendment respecting the forging of wills and powers of attorney, to the bringing up of the Report, moved that the punishment for forgery should be transportation for life, and that it should be made imperative upon the Judges to pronounce sentence accordingly.

The *Lord Chancellor*, in reference to the proposed exceptions, admitted that the forgery of wills might be exceedingly detrimental to families, and was a most grave offence; but he held the opinion, that in the existing state of public feeling, the punishment of death in these cases would not operate according to the intentions of its advocates, as an efficient protection of the rights of property.

Lord *Holland* was decidedly opposed to the infliction of the punishment of death for any offences, the commission of which was unattended with violence. He had given his assent to the second reading of the Bill, and the reasons which induced him to assent to the Bill at that stage were still as strong on his mind as ever, and were as applicable to the cases which the noble and learned Lord would except, as to any of the other clauses of the Bill. These reasons, in fact, were as strong against the exception as they were in favour of the general measure. No one could deny, that forgery was a great crime, and, in some cases, as injurious to society as burglary, or even murder; but that was not a sufficient argument. The great object which a legislative body ought to have in view was the prevention of crime; and when it was found, from long experience, that the punishment of death so far from protecting the community against the commission of forgery, rather held out a hope of escape from all punishment, it was their duty to attempt other means for repressing the crime. These means, in his opinion, were such alterations in the law as would insure an inferior punishment in all cases. If the punishment of death was sufficient to keep down the crime, then he would say, allow it still to remain on the Statute-book; but when the voice of the public was against it, and when it was found, that owing to this general voice, even great criminals escaped punishment altogether, there could be no doubt as to what course their Lordships should pursue. The crimes of highwaymen were, in some instances, not of so atrocious a nature as some cases of forgery—that, for instance, of Fauntleroy; but then the Legislature ought to recollect the feelings which were excited in favour of that unfortunate individual, and consequently the difficulty, or rather impossibility, of obtaining a verdict for inferior crimes of that nature. The law, in fact, as it stood, encouraged rather than prevented the crime—the simple question was, does the punishment of death prevent the crime, or not? If it do not prevent the crime, and at all events till the noble and learned Lord proves that the principle which applies to the general measure does not apply to his exceptions, he must oppose the insertion of the clauses.

Earl *Grey* said, exceptions had been proposed by the noble and learned Lord, and the question arising out of it was whether there was any ground for it. If a feeling did not prevail against capital punishment for forgery of wills and powers of attorney; if there were not the same unwillingness to prosecute, nor the same reluctance on the part of Juries to return an affirmative verdict in these cases, then he thought that a distinction ought to be made. He was ready to admit that there was greater difficulty in forging wills and powers of attorney than in forging bills of exchange; but, at the same time, he must say that, however reluctant he was to oppose his noble and learned friend and another noble friend who had argued in favour of the entire Bill, still he was bound to state that he was in favour of the proposed exception. If hereafter it should be found that the forgeries of wills and of powers of attorney remained still the same, and that public feeling was decidedly against convictions in such cases then the Legislature would have the benefit of experience, and would be justified in repealing the capital penalty. The punishment of death ought never to be inflicted but in cases of great atrocity; and, provided inferior crimes could be repressed by milder punishment, the extremity of the law should not be resorted to. With that view of the question, and wishing as he did to try the experiment in all other cases, he could not withhold his assent to the exceptions of the noble and learned Lord.

Amendment agreed to. The House resumed.

BRIBERY AT ELECTIONS BILL.] On the Order of the Day for going into Committee on the Bribery at Elections Bill, brought up from the Commons, being read,

Lord *Wynford* opposed the Bill. He should be as glad as any one to find some means of putting down Bribery and corruption, but he was afraid that the present Bill would not have that result. He hoped, therefore, that the noble and learned Lord would postpone the measure till next Session.

The *Lord Chancellor* was as much opposed to some of the provisions of the Bill as his noble and learned friend. In addition to that, many most important clauses which had been agreed to in a former Bill had been left out, and with the hopes of having these inserted in a new Bill, he would postpone the Bill till next Session.

Order of the Day discharged.

JURIES (INDIA) BILL.] The *Lord Chancellor* moved the second reading of the Bill, the object of which he explained was to authorise the appointment by the local Governments of the Presidencies of the East Indies, of persons, not being British-born subjects, to be justices of the peace, under such regulations as existed by law, and to remove the disqualification imposed on natives by the Indian Jury Bill of 1826, which prohibited any but Christians from sitting upon the trial of a Christian on petty juries; and all natives whatever, from sitting on Grand Juries. No sooner was that exception introduced than it was repented of; for what was well meant and well intended—what would have been willingly received as a very great blessing—was converted by the exception into a measure which operated as a stigma upon a very large portion of his Majesty's Indian subjects. The present Bill only gave to the local powers the right to appoint whatever persons they might think fit to be justices of the peace; and to act on juries, under such regulations as the Courts might think proper. Of the introduction of trial by jury into our Eastern settlements, it was impossible to speak too highly; it had been adopted in the Island of Ceylon, under Sir Alexander Johnstone, and there it had operated most beneficially, tending to conciliate the natives, and to give them an interest in our Government and institutions. To render this boon fully effectual in the East Indies and to remove the disqualification imposed by the Bill of 1826, was the object of the present measure.

The Duke of *Wellington* from the knowledge he had of India, and from the perusal he had given to the documents on the Table, must say, that he had never seen a bill more calculated to do mischief than this. He was surprised that any Government should have thought proper to introduce such a measure into Parliament, contrary to the opinion of every person connected with that distant country, or acquainted with the administration of justice there. These Courts were originally established purposely to exempt his Majesty's British subjects from the jurisdiction of the natives of that country. Their jurisdiction was local, extending only a certain distance round the several towns in which they were established. The jurisdiction of Calcutta, for instance, was not more extensive than Hyde Park; and the natives whom it was proposed to call upon to assist in the administration of justice, generally reside outside the boundary purposely that they might not come under the jurisdiction of the court. The measure was then, useless, inasmuch as they could not be called upon to serve on juries in any one of these courts. He did not mean to say that there were not some opulent Gentlemen residing in that town; but the residents were chiefly the servants of Europeans, of clerks in the employment of the Government, and of persons who generally speaking, ought not to serve on juries. The Gentleman who brought this subject into the other House of Parliament, must know that in this country, as in all others, there were certain established qualifications for justices of the peace and for jurymen; and that no disqualification, in any part of the world, was equal to that of colour: that the white man had an influence which was not possessed by the black. This distinction prevailed most in those countries in which a liberal system of Government had been established, as in the United States of America, and the various states existing in the southern portion of that continent. Indeed, a term had been invented to designate it in Colombia, in which express laws had been made for the support and maintenance of the "albocracy." To enable the coloured natives of the East-Indies to receive from the Governor of Fort St. George or Bombay the power which this measure proposed to confer on them, appeared to him to be trifling with the administration of justice in that country. He was convinced of the utter inutility of the Bill.

The *Lord Chancellor* was sure that he need only remind the noble Duke of those who supported the Bill in the other House of Parliament, in order to satisfy him that he was in error in saying no person acquainted with India supported the Bill, and that individuals well acquainted with India did not anticipate any injurious effects from it; on the contrary they considered that it would be highly beneficial. Sir Charles Forbes and Sir John Malcolm were both gentlemen possessed of an intimate knowledge of India: the former from his employment in a civil, and the latter in a military capacity in that country supported the Bill. The noble Duke had greatly overrated the influence of colour. Doubtless that ought to have its effect; but in India, natives of respectability already discharged various functions connected with the administration of justice. It was before the Zillah Court, composed partly of natives, that even Europeans, in spite of their supposed superiority of colour, were in the first instance brought, preparatory to being judged in a Court composed only of Europeans. If the disqualification at present existing were allowed to remain, natives of respectability could not but feel themselves stigmatized. The most respectable merchants, not being native British-born subjects, were excluded from sitting on juries; while inferior persons, clerks and others being British-born could so sit; and the natives, however degraded they might be, or however they might have lost caste, provided they were Christians, and so qualified, could also sit and determine questions of property affecting their masters, while those masters were entirely excluded from sitting on juries.

The Earl of *Rosslyn* thought it his duty to state, that a very considerable number of the servants of the India Company, resident in these jurisdictions, as well as a large number of persons still servants of the Company, and who were formerly residents there, had expressed themselves strongly opposed to this measure. He took blame to himself because he had a petition which he ought to have presented against this Bill; but he had no suspicion, that it would proceed further during the present Session. The opinion expressed in that petition, which was signed by both the civil and military servants of the Company, was, that this Bill ought not to pass at present; especially when the whole of the affairs of India were the subject of pending inquiry, and in respect of which, some arrangement must be made forthwith upon one general system. They therefore considered it to be extremely desirable that this partial alteration should not take place.

Bill read a second time.

HOUSE OF LORDS,

Tuesday, August 14, 1832.

MINUTES.] Bills. Read a third time:—Roman Catholic Bequests; Assessed Taxes; Composition; Land Revenues (Scotland); Lord Chancellor's Salary.

Petitions presented. By the Duke of WELLINGTON, from Berbice, not to have Relief tacked to adopting the Orders in Council.—By the Earl of ROSSLYN, from Merchants of London, for Protection for the Rights of the Holders of Greek Bonds of 1824.

PARTY PROCESSIONS (IRELAND).] On the Motion of Viscount Melbourne, the House went into Committee on the Party Processions (Ireland) Bill.

The Duke of *Wellington* moved, as an Amendment on the preamble of the Bill, that the word "religious" should be left out, as by that means the Bill would be more general in its effect.

The Earl of *Glengall* thought it very desirous that this Amendment should be adopted.

The Marquess of *Westmeath* also supported the Amendment, and complained that the Bill was directed against one portion of the people of Ireland—the Protestants, All he wanted was, to take this sting out of it, which might be done by the Amendment proposed.

Earl *Grey* protested against the insinuation of the noble Marquess who had last spoken, that the Bill was directed against the Protestant portion of the Irish community. On the contrary, the object of the Bill was to put down and to prevent all assemblies or meetings that were calculated to excite religious animosities, and which so much tended to endanger the peace of that country. It had been said, that the law was sufficiently strong to accomplish this object, and that, therefore, it was unnecessary to come to Parliament for assistance; but he would remind their Lordships, that though proclamations had been issued by the Lord Lieutenant against such assemblies, yet those proclamations had been set at nought, and trodden under foot, and he could assure their Lordships, that letters which had been received from Ireland, stated, that the peace of Ireland could never be permanently established or secured, unless some such law as that now proposed was passed. With respect to the Amendment proposed by the noble Duke, he must say, that he thought it would go very far to affect many innocent assemblies and processions, which, he was sure, the noble Duke would be sorry to suppress.

The Duke of *Wellington* could not see how it would affect innocent bodies, for the very preamble of the Bill showed that its provisions were only directed to bodies carrying fire-arms, or bearing emblems calculated to excite religious animosities. His object in proposing the Amendment was to make the Bill more general.

Earl *Grey* hoped, that as the objection of the noble Duke was not to the principle of the Bill, that he would allow it to pass its present stage, and reserve his Amendment until the third reading.

The Duke of Wellington acquiesced.

The Bill went through the Committee.

The House resumed.

FORGERY.] On the question that the Report of the Forgery Bill be brought up.

The Earl of *Rosslyn*, in the absence of his noble and learned friend (Lord Wynford), who had last night expressed his intention to submit an Amendment, so as to make an exception in the cases of the forgery of wills and powers of attorney, from the other cases of forgery for which the Bill provided, begged leave to move, instead of that Amendment, of which his noble and learned friend had given notice a clause having the same effect to exclude from the provisions of the Bill, all persons convicted of the forgery, or altering any will, codicil, or testamentary document, or writing, with intent to defraud any body corporate, or any person or persons whatsoever; and all persons convicted of the forgery or altering any power of attorney, for the transfer of stock in any of the public funds, either in the Bank of England, the South Sea House, or in the Bank of Ireland, with intent to defraud any corporate body, or any person whatsoever; and that all such parties so convicted should be punishable with death.

The *Lord Chancellor* said, that his opinion upon this subject remained the same as he had last night expressed it to their Lordships, and he certainly could not bring his mind to take that distinction between the forgery of wills and powers of attorney, and the forgery of negotiable securities, which the noble and learned Lord, who was not now in his place, and for whose opinion he (the Lord Chancellor) had the greatest respect, had adopted. He had, on a former occasion, stated to their Lordships the reasons why he could not make that distinction which it was now sought to establish. He was willing to admit that a distinction was to be made in cases of the forgery of powers of attorney to this extent—that in such cases the certainty of having parties to prosecute was much greater than in others. With respect to the forgery of wills, he well remembered when the subject was last under discussion in this House in the year 1830, when a noble Marquess had introduced a bill on this subject from the other House of Parliament, the main force of the argument against that measure rested on the distinction which was then taken with respect to wills. The reason why the law had been so severe, arose from the facility with which forgeries of negotiable securities could be carried into effect, and, therefore, the same argument which would retain the capital punishment in cases of the forgery of wills and powers of attorney, would equally apply for retaining it in all cases. Indeed, he thought it more properly applied to the retention of the punishment of death in cases of the forgery of negotiable securities, than in the forgery of wills or powers of attorney. The facility was greater to forge a check than to forge a will. In the latter case, the party forging had to undergo a scrutiny from doctors and surrogates without number, while in the case of a check he had only to make his appearance once. It was true that this difficulty might be got over by a combination, but then a conspiracy of that kind always multiplied the risk a thousand fold; and, therefore, it was, that he thought if there was one case of forgery for which the capital punishment ought to be inflicted, it certainly ought to be for the forgery of negotiable securities; and he equally thought, that if there was any case in which the capital punishment ought to be rejected, it was in the cases of the forgeries of wills and powers of attorney. This was the argument which had been used in both Houses of Parliament; and having already, on a former occasion, stated his reasons for objecting to this Amendment, he would not now trouble their Lordships further than to say, that though he should not now oppose the Amendment, yet he at the same time felt it his duty to protest against it.

The Bishop of *Hereford* said, he should be extremely sorry if the opinions which he advocated could take away any real securities that at present existed against the commission of this offence. He thought, however, that the punishment of death gave no security, for it prevented many from prosecuting; and criminals relying upon this, committed the offence from which they would have been deterred were there a certainty of the infliction of the minor punishment. Many of the petitions which had been presented to their Lordships stated, that the reluctance of parties to prosecute, of Juries to convict, and of Judges to execute, had rather destroyed than secured the interests which it was desired to protect. He should oppose the exceptions of the noble Lord.

Earl *Grey* said, that his conviction on this matter was founded rather upon opinions than upon facts. The only question to be considered was, whether the introduction of those exceptions would prevent prosecutions, and the subsequent execution of the law in such cases. He did not think that it would have such an effect. He remembered, indeed, that an instance had been quoted in which sympathy had been shown for the fate of a culprit of this description (he alluded to the case of the late Mr. Fauntleroy). He (Earl Grey) however, felt no such sympathy; for if ever a man deserved the full penalty of the law, when he recollected the number and magnitude of his crimes, and their deplorable consequences to others, he must say that Fauntleroy was that man. There was also a morbid sympathy expressed for that atrocious murderer Thurtell, but he did not think that that sort of feeling prevailed to any great extent. His opinion upon the whole was in favour of the exceptions, and he had the less reluctance in coming to such a conclusion, because, if found to be useless or impolitic in their operation, it would be always in their power to remove them.

The *Lord Chancellor* said, that professional men saw a great deal more of the effects of capital punishments in preventing parties from prosecuting than could be possibly brought under the notice of those who were not professional.

The Clause agreed to and Report received.

HOUSE OF LORDS,

Wednesday, *August* 15, 1832.

Minutes.] Bills. Read a third time:—Civil List Payments; Russian-Dutch Loan; Stage Coach Duties; Greek Convention; Party Processions (Ireland); Forgery; Juries (India).

Petitions presented. By the Earl of Rosslyn, from Servants of the East India Company, against the Juries (India) Bill.

Party Processions (Ireland).] Viscount Melbourne moved the Order of the Day, for the third Reading of the Party Processions' (Ireland) Bill.

The Duke of Wellington moved the insertion of the words " and other" after the word "religious," and before the words " differences and distinctions," wherever those words occur in the Bill.

Amendment agreed to.

Bill read a third time and passed.

West Indies Relief.] Viscount Goderich moved the third Reading of the West India Colonies Relief.

The Duke of *Wellington* asked the noble Lord, whether it was intended that the grant to the islands of Demerara, Barbadoes, Essequibo, and Berbice, should terminate with the Session, or should be continued by an annual bill.

Viscount *Goderich* said, that the grant had been given for one year only in the first instance. The Government had thought it their duty to apply for means to give that relief under these circumstances. His Majesty had authority over these islands which he did not possess over some of the other colonies, which had domestic legislatures; and in the exercise of that authority, certain Orders in Council had been issued, restricting the labour of the slaves, and regulating in particular, the treatment of that part of the population. By those regulations, additional cost was thrown upon production: and therefore, especially as those islands were suffering from other causes in common with the rest of the West Indies, and were therefore the less able to meet any additional cost on produce at present, it was thought advisable to give them some assistance. But as the grant was intended, as he had said, to meet the additional cost which it was supposed the Orders in Council would cause, if the Orders were not adopted, the occasion of the grant would not exist.

The Duke of *Wellington* said, that all he wished to know was, whether the grant would be continued annually so long as the Orders in Council continued to be enforced.

Viscount *Goderich* replied, that the Government could not pledge itself upon the subject. Whether the grant should be continued or not would depend upon the effect which the operation of the Orders in Council might have upon the cost of production. The Government, therefore, could come to no opinion further than respected the present year.

Read a third time and passed.

Consolidated Fund Bill.] Earl Grey moved the Order of the Day, for the third Reading of the Consolidated Fund Bill, and that the Bill be read a third time.

The Duke of *Wellington* said, that, although he was aware of the inconvenience to which he might put their Lordships by calling their attention at this stage of the Bill to a subject which was closely connected with it, and although he was sorry that he had not been able to do so earlier in the Session, yet, late as it was, and inconvenient as it might be to their Lordships, he could not, considering the situation in which he had stood in connexion with the Councils of his Majesty, reconcile it to his sense of duty to allow their Lordships to separate without making some comments and remarks on the extraordinary state in which the finances of the country at present were. The present was the only opportunity upon which he could with propriety make any observations on the subject; and, therefore, he was convinced that their Lordships would allow him briefly to occupy their time. When he addressed their Lordships upon a former occasion upon this subject, he had the misfortune to differ in opinion with the noble Earl, at the head of his Majesty's Government, and from his Majesty's Chancellor of the Exchequer in another place. At that period, he stated the income of the country to be, 47,250,000*l.*; and the expenditure 47,239,000*l.*, leaving a surplus of 11,000*l.* only. This was the whole surplus applicable to any exigency which might arise, as stated by him in October last. In the first Budget of 1831, in February, the Chancellor of the Exchequer stated the revenue to be 47,250,000*l.*, and estimated the charge, which had not then been voted, at 46,850,000*l.*, leaving an apparent surplus of 300,000*l.* In the second Budget, for they had two Budgets that year, the noble Earl, and his noble colleague in the other House, estimated the revenue at 47,250,000*l.*, and the expenditure at no more than 46,756,000*l.* They founded their estimate of the expenditure for the whole year, not upon the only legitimate ground, the Parliamentary Estimates, but upon the actual expenditure in the quarters which had already elapsed, and accordingly they got upon paper a surplus of 493,000*l.*, taking the average payments to be the same for the quarters which were to follow as for those which had gone by. But the result, unfortunately, more than realized his anticipations. It turned out that there was not a surplus, either of 493,000*l.*, or of 300,000*l.*, or of 11,000*l.*, but a very considerable deficiency. In three months after the noble Earl had indulged, in that House, the most flattering expectations, they were proved to the whole country to have been utterly unfounded. In January, 1832, the revenue received in the year, from January 1831, was 46,424,000*l.*, and the actual charge in the same period was 47,123,000*l.*, leaving a deficiency in the year ending in January 1832, of 699,000*l.* The deficiency of revenue as compared with the estimate made in October, was 825,556*l.* The excess of charge beyond the estimate of October, was 493,479*l.* So that the state of affairs in January was worse than it had been estimated in October by the sum of 1,319,035*l.* In such a state of things it was manifestly impossible that the public could have any confidence in the condition of the finances. On the 5th of April, 1832, it appeared by the public accounts, that the revenue from the 5th of April, 1831, had produced 46,618,015*l.* The actual charge in this year, from April to April, was 47,858,488*l.* The revenue at this period was worse than the produce of the year from January to January, by 194,000*l.*; and comparing it with the estimate of October, it was less by 510,000*l.*, while the charge was greater than the same estimate by 730,000*l.* The actual deficiency of revenue to meet the actual charge at this period, was then shown to be 1,240,000*l.* In July again they had the statement of the year's accounts from July 1831 to July 1832. The revenue at this period was 46,296,521*l.*, and the actual charge 47,559,078*l.* The deficiency at this period was, therefore, 1,262,557*l.* Having stated the condition of the finances at the various periods which he had mentioned, he at length came to the Budget of 1832. According to the statement of the Chancellor of the Exchequer, the revenue of the present year was calculated at 46,470,000*l.*, and the estimated charge was 45,696,000*l.*, leaving a surplus, according to the statement, of 773,000*l.* It was fair to state that this surplus did appear upon the Estimates, and was not calculated upon the same erroneous principles as before. The Estimates were less for the year 1832 than for the year 1831, by the sum of 2,162,000*l.* Then with respect to this reduction, and to the comparison of the two years, as to their income and expenditure, he had some observations to make. The abolition of the coast blockade, heretofore provided for in the Navy Estimates, occasioned a reduction of 160,000*l.*, but this must necessarily be attended by some expense to the Board of Customs for the means of preventing smuggling; and, as for this new expense, which could scarcely fall short of 80,000*l.*, no provision had been made, he must consider the reductions fallacious to the extent, on this account, of 80,000*l.* There was likewise another omission in the Miscellaneous Estimates—that of the expense of building a new Custom House at Liverpool, which would be 50,000*l.*, and which would be provided for out of the revenue of the Customs. Thus, in these two items alone, the apparent reduction was fallacious to the extent of 130,000*l.* He likewise considered that the Government had fallen into a great miscalculation as to the probable produce of the wine duties. It appeared with respect to the French wines, that, although there had been a great reduction of the duty, there had also been a great reduction of consumption. Nor was this all. There had been a still greater reduction of the consumption of other descriptions of wines, in consequence of the duty having been decreased. In the last year there was a comparative decrease under this head, of 154,000*l*. There could be no doubt but that this was the first instance of any Administration in this country leaving themselves without any provision for contingencies, or any unusual efforts which might become necessary, except that of drawing in advance upon the revenue of the succeeding quarter. No provision was made for any extraordinary emergency, but that of anticipating the growing produce of the quarter. He could not think, looking to the present posture of the Government, that this was a situation in which the country ought to be placed. He must give the noble Earl at the head of the Government credit for the intention to cover the essential expenditure of the year. But the fact was, that many of the reductions were applicable to the army and other essential services of the country, which, although not estimated this year, must be provided for in future years. One of the objects in which a saving had been effected was the training of the militia. The saving under this head was 190,000*l*., and could not recur in future years. Another saving was in the freight of transports and the provision of troops, when it was necessary, to remove them from one part of the world to another. Circumstances might admit of this in the present year, because there were no garrisons to relieve, but it was not possible that it could occur in every future year. This saving, therefore, was applicable to this year only, and it was to the extent of 45,000*l*. Another item of reduction was in the purchase of timber for the navy, which amounted to the very considerable sum of 400,000*l*. It was evident that the magazines of this country must be kept up, and all that was really done by this apparent saving was to throw the burthen to this extent upon future years. With a view to secure an adequate supply, and to the proper seasoning of stores, and with a view to the probability that it might become necessary for his Majesty's service to make some great exertion, it was impossible that less than double the amount of the estimate of this year would suffice. He thought, therefore, that the reductions were not only temporary, but effected at the sacrifice of an important part of his Majesty's service. He contended that it was the duty of the Government to look to other objects of more importance than the mere balance of income and expenditure. It was necessary to look to what was likely or possible to happen in the circumstances of this country. Would any man say that the Government, with respect to its finances, was left in the situation in which it ought to be? The finances of the country were unprovided for, although his Majesty's Ministers knew that the Session would be of a Reformed Parliament, and no man could tell what the decision of such a Parliament might be on any question; more especially on a question of finance. It was the duty of the Ministers in all circumstances, at the same time that they avoided every unnecessary expenditure, to place the finances in a state in which they might be adequate to any emergency which might arise. In the present state of the foreign relations of the country, it was possible that an occasion might arrive, in which his Majesty might be compelled to make an extraordinary exertion, and to call forth all the resources of the empire. But in consequence of the state in which the finances of the country were now placed, his Majesty would, in such a case as he had supposed, be put to the greatest difficulty in the management of his financial resources, so long as the necessity for exertion might continue. Let his Majesty's Ministers look to the condition of Ireland. Could any man conjecture how embarrassing the affairs of that country might become? Let them look to his Majesty's foreign relations—let them look particularly to the Peninsula. They would see that, in every one of these particulars, his Majesty might, much sooner than any of their Lordships perhaps expected, be called on to make exertions for which all the resources of the empire would be necessary. The present, therefore, was not a time to curtail the finances. He could not help assuring their Lordships that, in his opinion, the country was in a state which demanded their most serious attention. It was not his intention, at that period of the Session, to enter into any discussion which could give rise to an angry debate; and, although he had his own opinion on the subject to which he was about to advert, he would admit that, no doubt, his Majesty's Ministers had done what they believed to be their duty, when they allowed that to proceed which was now going on in Portugal. For his part, he thought it was their duty to prevent the collision of the two opinions which distracted every part of Europe. It was more especially their duty to prevent that collision in a country the interests of which were so nearly connected with those of England as Portugal. But he would admit, that his Majesty's Ministers thought that they were preventing the collision by what they had done. Let them look, however, to that country, and see what was doing there. Although a prince (Don Pedro) had invaded that country under the most favourable circumstances, and with a considerable force, still he had made no acquisitions beyond the town in which he landed. Neither armies, nor provinces, nor even a single town, as far as he had heard, or even so much as one man, had gone over to Don Pedro. His Majesty's Ministers might suppose that the prince's adversary was a usurper, and that his Government was so tyrannical and unjust, that the people were desirous to get rid of him; but, whatever the Ministers might suppose, he was sure that they would best consult the interest of England by putting an end to the conflict of opinions in Portugal. What was the actual state of things at present in that country? The military movements had been all in favour of the invader, and yet he had been unable to advance further than the town in which he landed. That did not show that the country was favourable to the enterprise; and, therefore, he (the Duke of Wellington) thought it would be right to put a stop to the revolutionary war. It was quite obvious, from the present state of things, that the invader could not succeed otherwise than by force of arms. Don Pedro had under his direction a band of brave and honourable and enterprising men, and as good soldiers as any in the world. He might say that he knew them to be as he described. That army was formed out of numbers of military adventurers: and plenty of them there were to be found in every part of the world; but, be the composition of Don Pedro's army what it might, they must hold Portugal against the people. It was, then, by means of these brave men, but, at the same time, military adventurers, that the prince was to succeed. By means of the aid of these persons he was to take possession of Portugal, contrary to the wishes of the people. With all his advantages, however, the invader had as yet made no advance; and, from that fact, he believed that Don Pedro could never govern Portugal without the continuance of foreign military support. And was it to be supposed, that such a military force would not spread revolutionary warfare into Spain? Perhaps there were associations in his mind, which made him feel more strongly on this subject than other men. Certainly he could not look without anxiety to the state of things which had lasted so long in Portugal, and to the prospects arising from that state, especially to this country, which might find itself called on to interfere in the warfare. When he looked to these things, he could not help pressing upon his Majesty's Government to consider well the state of their financial resources. He had stated, that he should endeavour to avoid anything that could give rise to angry feelings; but he could not refrain from adverting to the position in which the British fleet stood at present in that part of the world; for it was a subject of the greatest anxiety to all those who regarded the honour of this country, and who felt that the fleet was placed there in a very doubtful neutrality, if not of actual hostility. The fleet was placed there for the purpose of protecting his Majesty's subjects in the first instance; and, in the second, to prevent other persons from interfering in the war. Now, on all former occasions, when this country was placed in a similar condition in respect to Portugal, it had been usual to take measures to enable British subjects to quit the country, if they thought proper, when it was likely to be the seat of war, and if they did not choose to avail themselves of the proposed security, they were told, that they must incur all the risks arising out of the disturbed state of the country. In the present case, however, the fleet was left there for the protection of those who chose to stay. At the head of that fleet was an Admiral, in whom he (the Duke of Wellington) could say the Government might safely place every confidence, as no man would discharge with more propriety the arduous duties of the station in which he was placed. Now, the situation of an Englishman resident in Portugal was this:—if he felt himself aggrieved by any of the authorities, and could not obtain redress, he could call upon his Conservador; and, if that person could not obtain redress for him, then the Admiral could only do so by an act of hostility. Was it possible, then, that the fleet should not be looked upon as an enemy by the Portuguese government? Was it possible, then, that the presence of the fleet should not have an effect upon the war, prejudicial to the actual government? But what was more—there was a blockade of the port of Lisbon, by the fleet of the invader, and also by the British fleet; and the fleet of Don Pedro, with British colours flying, had pursued and taken a Portuguese vessel. What was the situation of the British Admiral when that was done? Was he not bound to protect the fleet which carried British colours in his presence, or chastise those who, without any such right, dared to wage war under them in his presence? And how was that Admiral placed, by these circumstances, in respect to the government of Portugal? Was he any longer neutral? There was another point to which he wished to bring the attention of the House. There was at present, on a diplomatic mission to Portugal, an English nobleman, having the rank of a Brigadier-general in Portugal. Now, what were the functions of that officer? To command any brigade to which he might be ordered. See, then, the consequence of our sending to Portugal, as the representative of the British Government, an officer who was a Brigadier-general in that country. He was liable to be appointed to the command of a Portuguese brigade. But he was the representative of this Government, and he was, moreover, intrusted with the question of peace or war, in the event of a particular contingency. Never before had there been an instance of an officer being sent, intrusted with the prerogative of the Crown on the great question of peace or war, to the Government under which he held such a commission, and at a time when a revolutionary war was going on. He was quite sure that this nobleman would discharge the duties of his important trust faithfully, and with the greatest discretion, and neither he nor the Admiral would involve the country in an unnecessary war. But he would say, that such was not the condition in which this country ought to stand with Portugal in reference to war; and especially to such a war as would arise—if there should be any. He believed that the topics to which he had adverted were closely connected with the question before the House, which was one of finance; and he had thought it his duty to bring them, on that occasion, under the consideration of the House.

Earl *Grey* said, that he had not expected that the noble Duke would have availed himself of the present occasion, the last stage of the Consolidated Fund Bill, in which it was not usual to take any discussion, and almost at the last hour of the Session, to raise an extensive discussion on the financial state, and on the foreign policy, of the country. He must say, that the course pursued by the noble Duke was attended with some inconvenience. It was inconvenient on this particular occasion, upon which it was not expected to arise; and was inconvenient generally, because, as the statement of his noble friend (the Chancellor of the Exchequer) had given general satisfaction in the other House, and had been but little excepted to by those who were the most disposed to canvass his arrangement—it was not expected to be discussed anew. He (Earl Grey) had discharged the details of the question from his mind, and had put aside the papers which were necessary to enable him to meet the present discussion. To prepare himself he had had but the last two days of the Session, during which he had a great many other things to think of, which could not be postponed. He came, therefore, with some disadvantage to the discussion—as one who, moreover, was not very conversant with financial statements, and who had to contend with those who placed all the details of the calculation in points of comparison, on which he (Earl Grey) had not before examined them. Certainly, too, he had not expected that a long discussion upon foreign affairs would have been mixed up with the question upon the Bill. The noble Duke had argued, that the finances of the country were embarrassed, and that an occasion might shortly arise for great financial exertion, and that, consequently, his Majesty might be placed in circumstances of the greatest difficulty. The noble Duke had complained that there was a great deficiency in the revenue, as compared with the expenditure for the current year; and he had referred to what occurred in the last year, to show that the calculations and expectations of his Majesty's Ministers had failed then, and were not to be expected to succeed in this year. He admitted, that he had last year anticipated a surplus of between 300,000*l.* and 400,000*l.*, and in that expectation he had been disappointed. He lamented, as much as the noble Duke could lament, that there did now exist a large deficiency. In the anxiety of the Government to relieve the industrious classes, they had taken off taxes which were supposed to press heavily on those least able to bear them, and they had hoped that the revenue would derive increase from other sources, which would make up for the reductions. Now the cause of the disappointment was, that they had calculated upon meeting with no opposition respecting the taxes which they proposed to substitute for those that were reduced; and every one who remembered what took place respecting the timber duties would see that they had reason to expect that they would not have been opposed. When they found the deficiency, of which the noble Duke had said so much, they had to consider the means by which it could be made up. He would go the whole length with the noble Duke, in admitting that it was not enough to secure a bare surplus, much less to be exposed to the possibility of a deficiency. He agreed with the noble Duke, that if an occasion of great exertion should occur, it ought not to be met by the imposition of new taxes, but that a surplus should previously have been secured to provide for the emergency. When the deficiency was found, then his Majesty's Ministers had to meet it in one of two ways—to impose new taxes, or to reduce the expenditure. Having given the alternative their best consideration, they thought it was their duty to reduce the expenditure, and in this way overcome the difficulty. In that course they were encouraged by circumstances which had arisen, giving reason to hope that there would be, in the revenue itself, an improvement to compensate for the deficiency, without having recourse to the imposition of new burthens upon the country. Reductions were accordingly effected to the amount mentioned by the noble Duke, namely, upwards of 2,000,000*l.*, encouraged as Ministers were by the expectation that the revenue would increase in other ways. That reduction the noble Duke thought would not prove so satisfactory to the people as some imagined. He (Earl Grey) believed the country was satisfied with it. The general result of the expenditure for the year—without at that moment going into details—was, 46,470,000*l.*, whilst the revenue only amounted to 45,660,000*l.*, thus leaving a deficiency on the year of 814,000*l.* Now, if that sum of 814,000*l.* were deducted from the general deficiency of the two years united, which amounted to 1,240,400*l.*, it would leave 426,400*l.* In order to supply this, which was the best course to adopt, to have recourse to taxation, or diminish the expenditure? He thought that there could be but one answer to that question. It had been generally allowed, in the view which his noble friend, the Chancellor of the Exchequer had taken in his financial statement, even by those who were opposed to his propositions, or who were not disposed to look upon them favourably, that he had not been sanguine. It had been generally admitted, that he had rather underrated than overrated the probable effects which would flow from the course recommended. All admitted that his noble friend had acted with great candour. He concealed nothing, but brought forward the whole financial question fairly, in order that it might be seen what the expectations were with respect to the revenue, and the grounds upon which these expectations were founded. In that statement his noble friend had calculated the loss to the revenue on corn as likely to amount to 500,000*l.*, for the prospect there was of an abundant harvest would render it probable that no importation would take place, and consequently there would be no duty paid. He rejoiced, in common with every one, at the prospect which now existed of a most abundant harvest; he was, however, of opinion that some importation would take place, notwithstanding. But supposing there should be no importation of corn because of the harvest being so abundant, there would, necessarily, be an increase of the comforts of the people, and other articles would be consumed, by which the revenue would be increased. In making this estimate, his noble friend could not be accused of erring. Supposing it should turn out that he was wrong in that calculation—on the sanguine side, and thus making the revenue appear larger than it would otherwise be—from the improvement which had taken place in the revenue, he thought that, by the end of the year, nearly the whole of the present deficiency would be made up. He had the satisfaction of stating to the House, and he was sure it would be so received by their Lordships, that there was a general increase in the revenue now, and the deficiency which had arisen from particular circumstances, to which he would advert presently, was diminished, and would continue to diminish. He had in his hand an account of the revenue of the last two years, from which it appeared that the decrease was considerable in the last year compared with the former period. In 1831, the amount of the revenue was 48,573,049*l.*, and the revenue of 1832, was 46,189,574*l.*, being a decrease of 2,383,475*l.* Now, by the last half-year's account, ending 5th July, 1832, the state of the revenue was 21,084,856*l*; and for the half-year ending July 5th, 1831, the revenue was 21,188,929*l.*, so that there was only a difference between those two periods of 104,073*l.*, whilst the difference between the whole year amounted to the sum he had stated, namely, 2,383,475*l.* He, therefore, did feel justified in what he had asserted, as to the improvement in the revenue, and he looked with confidence to that view being realised. He thought that their Lordships would also concur with him in that opinion. He did not take that gloomy view of the state of the country which many persons did. He believed that the country had means in it, which would overcome all the difficulties which had been pressing upon it; but, at the same time, if the deficiency of the revenue should continue, it would be their Lordships' duty to provide for it. Their Lordships were well aware that, within the last three years, and that period embraced a portion of the administration of the noble Duke, a large yearly deduction in taxes had been made. Deduction in taxation, to the extent of 4,780,000*l.* had been carried into execution, which had furnished relief to the country. He looked with confidence to the deficiency being got over in another year, without the imposition of any fresh burthens. Feeling, however, as he did, that it was necessary to support the power of the country, and to provide against every contingency, and being convinced that the people were of the same opinion, he would admit, that if his Majesty's Ministers should be disappointed of their just expectations, then it would be necessary to provide for the deficiency by applying to some means of increasing the revenue. But he could not take the desponding view of the finances of the country which the noble Duke had taken; nor could he think with him, that we were not in a situation to make any exertion which the honour of the nation might require. In the last year, the prevalence of a pestilential disease had had a most serious effect upon the trade and commerce of the country. The unsettled state of Europe, also, had contributed much to the interruption of foreign trade; and we had not yet recovered from the agitation which the delay and uncertainty of the Reform Bill had occasioned; an uncertainty by which all the commercial transactions of the country had been, to a great extent, interrupted and deranged. All those impediments to prosperity were now in a fair way of removal, and he had, consequently, the best hopes for the revenue of the current year. There was, however, a deficiency at present, and the question was, what were the best means of making up for it? Great reductions had taken place in every department of the public service. Some of those, the noble Duke contended, were only temporary. He had said, for instance, that the suspension of the training of the militia had afforded no real saving—that the training must be resumed—and that an expense would be thereby occasioned, which would more than counterbalance the saving at first apparently effected. But that would depend altogether upon circumstances; and he (Earl Grey) trusted, that the apprehensions of the noble Duke, on that score, were groundless. He (the Duke of Wellington) had also argued, that the diminution of expenditure in the transport of troops for the present year would only throw the expense of two years upon the next. But he was not aware that the usual relief of troops upon the various stations had not taken place, with the single exception of the 9th regiment, which was continued in Ireland on account of circumstances which had occurred there, to render necessary the detention of that regiment beyond the period at which it ought to have been removed. The saving in the navy amounted to 994,300*l.* The noble Duke considered that saving, also, to be not only temporary, but injudicious. But the fact was, that in every article there was, at present, a considerable increase of quantity in the naval stores, as compared with what was upon hands at any corresponding period of the noble Duke's Administration. There was, therefore, no reason for supposing, that the saving of this year would fall upon the next. However, to return to the subject, a deficiency was found, and to meet it, the Government had determined upon a considerable reduction; and in the three great heads of expenditure, namely, army, navy, and ordnance departments, considerable reductions had been made. The expense of the army, for 1831, was 7,551,024*l.*; that of the present year, the estimate was 7,087,682*l.*, being a decrease of 463,342*l.* This, the noble Duke had stated, was only a temporary or ephemeral saving, arising from the militia not having been called out for training, and that the expenditure must be increased in another year. That would, of course, depend upon circumstances, and he (Earl Grey) entertained hopes, that such a course would be unnecessary in the ensuing year. It had also been said, that part of this saving had arisen from the not providing and transporting troops for foreign service, and that this must necessarily be done in another year. Now, he was not aware, that the ordinary reliefs to troops on foreign service had this year been withheld, for, with the exception of the 9th regiment, which had been retained in Ireland under peculiar circumstances, he believed the reliefs had taken place, as usual. In the navy, also, a saving had been effected. The Navy Estimates for the last year had been 5,882,835*l.*, while those for the present year were 4,848,635*l.*, showing a saving of 934,200*l.* The noble Duke had stated, that this saving had been effected, but would only be temporary, and was, in some degree, an inexpedient measure. The noble Duke had, also, alluded to the grant for the new Custom-house at Liverpool, and to a point connected with the abolition of the coast blockade. With regard to the two last points, he (Earl Grey) was not enabled distinctly to state the circumstances connected with them; but, with regard to the first point, namely, that the saving had been effected by a diminution of the stores, he was prepared to say, that there was in the dock-yards a considerable increase now upon the stock in December, 1830. A reduction had also been made in the Ordnance department, which, added to the reduction in the navy, made a reduction of 1,511,798*l.* At the same time, he must also observe, that though, in addition to this, a reduction in the Army Estimates had been made, to the amount he had mentioned, yet there had been made an addition of 7,000 men to the numbers that were serving in that force at the time the noble Duke left office. In the miscellaneous service for the year 1832, there was also a saving of 991,000*l.*; and in the three pension lists for England, Ireland, and Scotland, there was now a saving of 2,000*l.* per annum, exclusive of about 6,000*l.* per annum from cases that had fallen off; and, eventually, these pension lists, which had amounted to 140,000*l.* per annum, would be reduced to 75,000*l.* per annum, leaving an eventual saving of 65,000*l.* per annum. He believed, therefore, there was no reason to apprehend what the noble Duke so much feared; and he felt assured that no inconvenience would arise from leaving a deficiency of 300,000*l.* unprovided for. The prospects of the country gave every hope of an improvement in the revenue. Taking, as he had done, this most unfavourable view of the prospects as to the revenue, he confidently now left himself in the hands of their Lordships and the country. He thought it was not necessary for him to to make any further statement on the finances of the country, and he should have rejoiced if his task had here terminated. But, although inconvenient as it might be, and unprepared, as he was, from the limited notice which the noble Duke had given on Monday, compared with the subject upon which he had entered at such length in his speech, yet he could not allow those observations, which the noble Duke had urged, as to the policy adopted by Ministers respecting Portugal, to go entirely without answer. No one felt more than he did, the interest which this country had in the prosperity of Portugal. No one more than he desired that the differences which distracted that country should be speedily and satisfactorily terminated. But, in the first place, he should call upon their Lordships, in justice, to acquit the present Government of any share in bringing about the present state of things there. When the Ministers came into office, they found upon the throne of Portugal a prince, who had been characterized by the late Government as an usurper; and, in a speech of the late Secretary of State for Foreign Affairs, had been accused of things, perhaps, worse than usurpation. It was not in their time that he was allowed—even with the British army in the country—to usurp that sovereignty which, by the recognition of the English Government, was the right of another. That was the moment, in his humble judgment, when both justice and policy required the interference of Great Britain. In this state of things the late Government withdrew their Ambassador from Portugal, not having acknowledged Don Miguel, but, on the contrary, having repeatedly recognised the title of his niece. A noble Lord opposite seemed to dissent; but when the present Ministers came into office, they found several documents, in which Donna Maria was entitled "Her Most Faithful Majesty," by the late Secretary of State. When Ministers came into office, they found some negotiations going on respecting Don Miguel, and, on the fulfilment of certain conditions, it would seem that it was the intention of the Ministry of the noble Duke to recognise him, upon certain conditions.

The Duke of Wellington was here understood to express his dissent to this statement. There were no conditions whatever stipulated.

Earl *Grey*, the condition he understood was, if any amnesty was granted. That was stated in the speech delivered from the Throne in November 2nd, 1830, in which he found this passage. "I have not yet accredited my Ambassador to the Court of Lisbon; but the Portuguese government having determined to perform a great act of justice and humanity by the grant of a general amnesty, I think that the time may shortly arrive when the interests of my subjects will demand a renewal of those relations which had so long existed between the two countries."* It was obvious, continued the noble Earl, from that paragraph in the King's Speech, that if the amnesty did not take place then, recognition would not follow. This he considered a condition, in the fair and usual meaning of that word. But the amnesty was not granted, and the prisons were crowded with victims of as cruel acts of tyranny as ever were committed. He regretted, as much as the noble Duke could, the civil war which now existed in Portugal; but, under all the circumstances of the case, neither sound policy nor necessity made it the duty of the Government to send an army to prevent Donna Maria, whom England had recognized, from taking possession of the throne, and displacing the prince whom the British Government had designated a usurper. As to the probable success of Don Pedro, he could not pretend to say but that the noble Duke was correct in his conjectures; for he could not pretend to as correct a judgment respecting the event of military movements. If the military means of the duke of Braganza were not sufficient—if the people were attached to the present Government—if the king *de facto* really had an army to repel the invasion, and to maintain himself upon the throne—there could not be a question as to the line of conduct which the British Government ought to pursue. Still, as he (Earl Grey) knew the system of terror which prevailed in Portugal under the present Government, he was not surprised that there had not been a greater manifestation than there had been in favour of Don Pedro. Under those circumstances, a more strict neutrality could not by possibility have been maintained than the present Government had invariably observed. The noble Duke had said, however, that their neutrality approached to actual hostility; and why? They had sent ships into the Tagus to protect the property of the English residents in Lisbon; and when representations were made, that the continuance of the troops sent to Portugal by the late Government would be considered a declaration of war against the government *de facto*, those troops were withdrawn. But the treatment of British subjects which followed, rendered it necessary to increase the force in the Tagus. But the fleet had another object, besides the protection of British subjects, which was, to enforce the neutrality of other Powers. The British Government felt that it was bound to be neutral, but to be neutral no longer than other Powers observed the same neutrality; and he would say, that if Spain had advanced an army to the assistance of Don Miguel, the neutrality of Great Britain would have been at an end. The noble Duke did no more than justice to the commander of the fleet in the commendations which he had bestowed on him. No man could have acted with more perfect discretion and propriety than the gallant Admiral since his appointment to that station. But he (Earl Grey) could not admit, that because Admiral Parker commanded a fleet in the Tagus for the protection of British subjects, and to prevent the interference of other Powers in the internal connexions of Portugal, he was therefore bound to the protection of any vessels which might improperly assume the British flag. Nothing had been done by the British fleet which could be construed into a departure from strict neutrality. But the noble Duke had found a still stronger objection to the appointment of an English nobleman as Envoy to the Portuguese government, he being a Brigadier-general in Portugal. Whatever technical objection the noble Duke, in the exercise of his ingenuity and experience, might make to the appointment, he (Earl Grey) could see nothing in it that could appear to be hostile to the Portuguese government. Lord William Russell had no military duty to perform in Portugal for the British Government. He was sent there to watch the passing events—not to take any part in them. He was in constant correspondence with the Government at home, and the most perfect understanding subsisted between him and the Spanish Ambassador. But the noble Duke complained that Lord William Russell was intrusted with the power of peace and war. He (Earl Grey) was not aware that his power was so extensive. He had been intrusted with but one power, with which the noble Duke himself had been at one time invested; and that was to do a certain thing under a certain contingency. But it appeared that the noble Duke apprehended serious consequences, from the fact that Admiral Sartorius and other officers of the fleet of Don Pedro had ventured to raise British colours, from which the noble Duke inferred that the honour of the British flag required the interference of Admiral Parker to protect those vessels from the ships of war of Don Miguel.

The Duke of *Wellington:* I did not say so.

Earl *Grey:* If the noble Duke did not

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* Hansard, (third series) vol. i, p. 9.

say so, what did he say? There could be no apprehension that the British Admiral would be placed in such difficulty, or in any difficulty, by the improper conduct of the Terceira Admiral. It was quite true that some vessels under Admiral Sartorius did, on one occasion, hoist the British flag; but Admiral Parker sent word to the Commander of Don Pedro's fleet, that he would not permit any of those ships to make use of British colours. He had detained the House longer than he intended, upon a discussion into which he had been drawn unexpectedly, and at great inconvenience to himself. At another time he might be disposed to say more upon the subject, but in the present circumstances, he felt that it would be to overstep the strict line of his duty to go further into the subject. But thus much he must say, that on coming into office, his Majesty's Ministers found the state of Portugal and the relations of Great Britain with that country to be such, that on the one hand they could not pledge themselves to support the princess whose rights their predecessors had acknowledged, and on the other hand, they could do nothing that might cause the enterprise of her friends to miscarry.

The Duke of *Wellington* said, that after what had fallen from the noble Earl opposite, he could not refrain from making a few observations in reply. He could not but take notice of the haste with which the Bill had been hurried through the House, and that was the reason why he had not been able to give a longer notice of his intention to introduce this discussion. This Bill had been read only a first time on Friday last, and had not given him time for delay. He did not think that he had introduced this subject irregularly, because, as it seemed to him, the finances of the country were most properly discussed in a debate on a Bill of this kind. The noble Earl had himself thought so on a former occasion, and had introduced a discussion not only on the public finances, but on other topics not so closely connected with the Bill. The noble Earl had told them that the Government did not consider themselves called on to lay on fresh taxes in order to make up the present deficiency in the public revenue. He did not want the Government to lay on fresh taxes. All he had said was, that there was a deficiency of 1,263,000*l.*, and that that deficiency ought to be made up by some means, by the issue of Exchequer Bills, or by some other measure that would prevent any ill effect from the deficiency. A Finance Minister ought certainly to provide some remedy for such a deficiency. With respect to the question of Portugal, he had only wished to state his opinions in a manner which should create the least possible irritation, for he wished to create none, nor did he wish his observations to give rise to any untimely discussion. He was sorry that he had produced any irritation whatever in the mind of the noble Earl, and he certainly should not have made any further observations, but that the noble Earl had thrown reflections on the Government to which he had had the honour to belong: so that he trusted their Lordships would pardon him for detaining them a few moments, while he made some answer to those reflections. The noble Earl had stated, that that Government had been the cause of the usurpation of Don Miguel. Now that was a mistake in point of time; for it would be found that Don Miguel had been in Portugal when the noble Viscount opposite (Viscount Goderich) was at the head of the Government. It was true that he (the Duke of Wellington) was in office, when Don Miguel assumed the government of Portugal. The noble Earl said, that at that time the British army was there, and might have prevented the usurpation. That was a mistake; the British army had been withdrawn before the usurpation. It was true that, before the army was withdrawn, Miguel had dissolved the chambers, and had given indications that it was not his intention to carry into effect the Constitution of the country; but he had given no indications of a resolution to usurp the Sovereign power; and when he did, what he did was done by a Decree of the Cortes; so that we should have had no right to interfere, even had we been able to do so; but he denied that we were able, for the army was withdrawn; and even if it had not been withdrawn, what was its force? Why it only amounted to 5,000 men, which would not have been enough to control Don Miguel. He denied, therefore, that the late Government had been the cause of the usurpation. When Don Miguel did usurp the sovereign authority, the late Government did all they could; they discontinued all diplomatic relations with Portugal, and ordered the Minister there to return home. The noble Earl had said that the state of things just mentioned existed when he came into office; and that the late Government had been willing to recognise Don Miguel provided he would grant a general amnesty. It would have been fair had the noble Earl stated what had previously occurred. The first thing the late Government did was to advise a reconciliation between the two branches of the House of Braganza, and they referred the matter to Brazil. The Emperor of Brazil was willing enough that they should go to war for him, but he would not go to war, because in fact, he had no resources of his own to do so. What, then, became their duty; Their duty was, if possible, to place Portugal in the society of nations if they could, and to endeavour to induce Don Miguel to do that which would have the effect of attaining that object. For that purpose they called on Don Miguel to reconcile the country to him by some act of grace towards those who had been connected with the former Government of the country. But it was not true that they had wanted to impose any condition with respect to that act of grace. The principle on which they acted was, to induce Don Miguel to give an act of amnesty without any condition whatever, because it was their wish not to interfere in any manner whatever with the government of Portugal; and it would have been interfering, had they made any condition. If Don Miguel had granted the amnesty, undoubtedly he would have been recognised; and when that paragraph was inserted in his Majesty's Speech on the subject, they had every reason to expect that that would be the case. From what had happened since, he had no hesitation in saying that he did wish to recognize that Prince, in order to remove Portugal from the unfortunate situation in which she stood—not because he was averse to the claim of right of the Princess, nor because he wished by any act of his to decide upon that claim; but because he wanted to establish a relation with the King *de facto*, so as to enable him to carry on the Government of the country with advantage to that country and to the security and friendship of the nations around her. If he had continued in office, he should, he believed, have effected that object; but it was not effected before he left office because the amnesty was not given. The noble Earl had said, that the way in which the present contest must end would be decided by the question whether the prince now on the throne, should be able to maintain himself. He did not see how any prince should be able to maintain himself against such a pressure as an invading army on his frontier and a fleet in the Tagus. The noble Earl had said that the late Government had left the affair of Portugal in a difficult and delicate state, and that the present Ministers had so found it when they came into office. That was true; but since then he, and his noble friends who acted with him, had often pressed the noble Earl to recognize Don Miguel. The emperor of Brazil had it not in his power to make war for the benefit of his daughter; he did not possess the means. She could then only hope to be restored by revolutionary means, which could be employed by those bands of adventurers that were paid by God knows whom, and that were ready to act at the desire of any one against a prince who had been placed on the throne by the Cortes, and who was maintained there, as he believed, by the good will and affection of his subjects. He had a great deal to say on the question of the neutrality of this Government, but he should not do so now, as he did not wish to create any additional irritation. He should only observe, that he could not concur with what the noble Earl had stated as to the neutrality that had been observed in this contest. He should not, however, enter into the question at the present moment. The noble Earl had misunderstood him, in supposing that he feared Admiral Parker would interfere for the assistance of Sartorius. He did not fear any such thing. What he complained of was, that Sartorius had used British colours, when engaged in the service of Don Pedro, blockading the Tagus. The noble Earl had removed the impression he had had on that subject, by stating the remonstrance made by Admiral Parker, and with that part of the explanation given by the noble Earl he was perfectly satisfied. All the imputations which he had feared could be cast upon the Government or the Admiral were gone; but it seemed that he was correct in the fact that British colours had been improperly hoisted. All that was probably owing to the unfortunate situation in which we were placed, in being there with a fleet at the time that war was carrying on. Another point on which he had been misunderstood was on the fact, that the transports and the steam-boats attached to Don Pedro's expedition were all English. He had put the case, that Don Miguel's ships should take one of these transports or steam-boats, which all bore English colours; and he wished to know whether the noble Earl considered it the duty of Admiral Parker to interpose to protect these ships?

If the noble Earl so considered it, then he must ask whether that was not such an interference as put an end to all neutrality? And supposing that question to be answered in the affirmative, he would then put the question, whether such things would be done in a case where France or America were the belligerents? Another point to which he wished to call the noble Earl's attention was that of the blockade. The strangest thing of all was that this blockade was not a complete blockade, but that there was a daily communication between the Admiral outside and the General within. Why the moment that such a communication took place it vitiated the blockade; for the noble Earl must know, that if anybody violated the blockade there was an end of it altogether. Now he understood that it had been violated, and it appeared that American vessels had gone in. With regard to the appointment of brigadier-general Russell, he must say that he did not recollect any other instance of such an appointment where the person appointed held military rank in the country.

Earl *Grey* observed that he was not aware he had shown any degree of irritation whatever. He certainly felt none; and the noble Duke, he believed, was mistaken in thinking that he had exhibited any. He himself had been mistaken by the noble Duke. He had not said that the late Government had been the cause of the usurpation; he had only said, that on entering office the present Government had found things in a very difficult state, and that in what they had done they had acted on the principles he had stated. He must, however, differ from the noble Duke as to the right possessed by this country to interfere at the time of the usurpation He thought that the Government of this country had, at that time, a right to interfere, after the invitation given to Don Miguel to come here—after his visit here—and after he had been sent over on an understanding of a most positive kind, that he should not usurp the power of his niece; his direct violation of that understanding did give to the Government of this country a right to interfere. It was another question whether such an interference was required by policy. The noble Duke then said that the British army was withdrawn at the time that the usurpation took place. But it was there when the conduct of Don Miguel had been such that the British Minister in Portugal thought himself called on to prevent the payment of that money which had been raised in this country as a loan, under the sanction of the British Government. Surely the "indications" of his intentions must have been pretty clear, when a British Minister felt compelled to resort to such a measure. He was glad to find that the noble Duke was perfectly satisfied with the explanation as to Admiral Parker's conduct upon the hoisting of the British flag by Admiral Sartorius. As to the statement that it was used by the rest of the vessels attached to Don Pedro's expedition, he believed that the noble Duke was mistaken on that point, for that statement was positively denied. Supposing, however, for the purpose of the question put by the noble Duke, that the statement was correct, his answer was this: if he knew anything of the principles of the law of nations, there could be no doubt on the matter. If British ships engaged in the service of any foreign prince, they forfeited all claim to the protection of this country. So that, if any of the sailors, soldiers, or others of the forces of Don Pedro, were captured while in his service, they would have no right to expect the power of this country to be employed for their protection. He stated this, as the principle of neutrality which this Government recognised—as that which had hitherto been adopted—and as that which he wished every one to be fully aware would be strictly observed.

Bill read a third time.

CHANCERY REFORM.] The *Lord Chancellor*.—I rise to redeem the promise which I made some time since, to state before the close of the present Session of Parliament, certain changes that I intend to propose, with the view of improving the administration of justice. By making this statement at the present moment, I afford the House and the public an opportunity of considering my propositions during the recess. Some of the changes which I propose to effect are comprised in the provisions of the Bill which I recently presented to this House, and therefore with respect to them it will be unnecessary for me to trouble your Lordships with a single observation. The plan which I have now to detail to your Lordships will, in the first place, provide for the abolition of the Report-office, by which a considerable saving will be effected. In the next place, it will provide for the regulation and change of the Registrar's-office, and in this department, also, a considerable saving will take place. My measure will then provide for changes in that great and most important department of the Court of Chancery,—I mean the Master's-office, to which I have on so many former occasions directed the attention of the House. I wish your Lordships to understand, that I consider the saving which will be effected by these changes, as the least important result which may be anticipated from them. It is right, however, that I should state what the amount of that saving will be. By the abolition of the Report-office, there will be a reduction of 4,000*l.*; by the changes in the Registrar's-office, a saving of 14,000*l.* will be effected; and by the alterations in the Master's-office, a reduction of 13,000*l.* will be made, producing a total saving of 31,000*l.* a year. This reduction, however, is, as I before observed, of infinitely less importance than the very great improvement which I humbly think will take place, more particularly in the Master's-office, by the changes in question. I have before stated, that these changes appear to me to be recommended on the grounds of expediency and necessity, and therefore I will not trouble your Lordships with a repetition of my observations upon that point, but will shortly state the nature of the changes themselves. By my plan, the worst branch of the system in the Master's department, which pays the Master by fees on work done, will be entirely abolished—I mean the copy money, which gives an interest to those persons belonging to the department to increase unduly,—and I may say, vexatiously—the expense of the suitors;—the expense being increased in an infinitely greater proportion than the sums actually raised by this bad mode of paying judicial persons. I also propose to abolish altogether that still worse system of abuse grafted on the former bad one,—I mean the payment of gratuities, the legality of which is only unquestionable because it has grown into a habit, which seems to have become permanent in that office. These changes will be important, considered with reference to economy, but incalculably more so when viewed as improvements in the administration of justice in this particular department. The Master will, in future, be paid by a salary instead of fees, by which a saving of at least 13,000*l.* will be made. There are some other changes proposed to be made in this department, to which I will not now allude, as I do not wish to enter into much detail on the present occasion. I have, for reasons already given, abstained from dealing with the Six Clerks' department, and that of the Subpœna-office, by the present measure. Those departments, together with one or two other branches of the system, will be more conveniently introduced into one or two other measures, which will be rendered necessary by the act which has this day received the royal assent. In addition to what I have already stated, I shall feel it my duty to submit to Parliament an important proposition, which, I trust, will be carried into effect—I mean the constitution of a Court of Appeal in Chancery. I propose that this Court shall be constituted of the heads of the equity jurisdiction in this country. This will be a great improvement upon the present system, by which a single head of a branch of equity constitutes a court of appeal from another branch. In addition to the three heads of the equity Courts, I will place in the Court of Appeal the Chief Baron of the Court of Exchequer. I must mention, that the judge whose decision is appealed against, will, during the hearing of the case affecting his judgment, be excluded from this Court. The appeal to this Court will not be peremptory, but by way of election; for the suitor may either come to the High Court of Parliament, or to the Court of Appeal; but it is part of my plan, that from that Court an appeal shall not come to Parliament in the last resort, unless there should exist a diversity of opinion amongst the judges. I likewise mean to add a provision, which I cannot help feeling to be of eminent importance, not only to the administration of justice, but to the proceedings of this House in the appellate jurisdiction. I mean to propose that your Lordships shall have the power (there is some doubt whether you have it not at the present moment,—if you have, my proviso will have only a declaratory effect; and if not, it will confer the power upon you by positive enactment) of calling on the judges in equity, as you now call on the judges in law, for the purpose of helping your Lordships to come to a correct decision in cases of appeal. I am perfectly aware, that if this proposal were to stop here, though a great improvement would be made, it would be felt that enough would not have been done, for it is my fixed and deliberate opinion, by which I am desirous of being understood, to abide firmly, in spite of objections to which I understand that opinion has been exposed from quarters which are entitled to great respect, that a very great change indeed is absolutely necessary in the constitution of the high office which I undeservedly have the honour to fill. I think that we cannot much longer remain in this country with that great—I will not say that gross and grievous, but only with that great, signal, and striking anomaly, that the highest Judge in civil matters in the country, is a Minister of the Crown, and is removable at the pleasure of the Crown,—that to him is intrusted, sitting alone, and without control, the disposal of property of an immense amount, and of rights and interests still more dear to the parties than any rights of property however important. The Lord Chancellor is all this while removable at the pleasure of the Crown, and is also, whether he will or not, a political, as well as a judicial character. I am sure that it is only necessary to glance at this subject, in order to fill your Lordships' minds with the ideas which at present press upon mine. I am morally certain that much longer this anomaly cannot last. What, then, it will be asked, is to be done with this high office and this great public functionary? I propose merely to separate the great branch of the Lord Chancellor's judicial functions—I mean that branch in which he sits and acts as a judge alone —from his political functions, and from the functions which he discharges as Speaker of this House, and from his function of adviser of the Crown, and also from that other function incident to the Speakership of this House—I mean the judicial function—not exercised by the Lord Chancellor alone, but in conjunction with, and if need be, under the control and superintendence of coadjutors of a judicial character. If these functions be no longer united—if the Lord Chancellor shall sit in this House under precisely the same circumstances as the other Judges, and in the Privy Council also—when that important branch of jurisdiction shall be new-modeled by Parliament, as by an Act passed this Session it is pledged to be, so as to be rendered a useful and efficient court, the great anomaly of which I complain will be removed, without any increase of patronage, and without a single shilling of additional burthen to the public; for my opinion is, that the provision which has been made by Parliament for the sustentation of the office of Keeper of the Great Seal is abundantly sufficient, if well applied, to maintain in due dignity the Lord Chancellor, both as an officer of State, and as a Judge irremoveable at the pleasure of the Crown. In effecting the changes which I have described to your Lordships, it may be necessary to new-model the salaries of some of the judicial officers of this country, and to diminish their amount in some cases; but I should not be doing justice to a most useful and learned Judge, and, above all, to the office which he fills, if I did not say, that the keeping up of the salary of the Chief Justice of the Court of Common Pleas, so much higher than that of the Master of the Rolls, is, in my opinion, only tolerated by Parliament, on the supposition that the Master of the Rolls, who ranks higher in his profession than the Chief Justice of the Common Pleas, has the advantage of a residence, which the latter does not possess. I owe it to my learned friend, who fills the office of Master of the Rolls, to state that, with his usual disinterestedness, he has abandoned the advantage of his residence, by giving it up to the public service, for which sacrifice no compensation (most improperly as I think) has been granted, and consequently there exists an inequality between his remuneration and that of the Chief Justice of the Common Pleas, who is his inferior in rank, and by no possibility his superior in usefulness. I have at present merely glanced at this subject, which will come before your Lordships more fully upon a future occasion. I may as well observe here, that I alone am answerable for the measures which I am now suggesting, and that I must not be understood to speak in the name of my colleagues. The opinions which I have expressed in this House, and more fully elsewhere, not only remain unaltered, but the experience which I have had in office has incalculably increased their force. Before I conclude my address, I trust that I may be allowed to allude to a change which has been introduced on one or two occasions, not in this House, nor by any persons conversant with the finance department of the Court of Chancery, respecting the Suitors' Fund. Some persons, from the greatest ignorance on this subject, have stated that this fund has been dealt with, not by the Court of Chancery, but by the Parliament in an unfair manner. It has been dealt with as unfairly by the one as by the other. The only difference between the two cases is, that it has not been dealt with by the Court at all, because the Court cannot touch it to the extent of a single penny; but a part of it has been dealt with by Parliament in a usual and a fair manner. What, by a vague and general expression, is called the Suitors' Fund is composed of several branches. I will shortly and succinctly explain the nature of this fund. The suitors in Chancery are entitled to immense sums of money, amounting to several millions, which are, from time to time, paid into the hands of the Accountant-general, and entered to the credit of their respective suits. At any time during the progress of a suit, application can be made by the parties, to have these sums, thus paid into the Accountant-general's hands, invested in the public funds. It is at their option to do this, and it is their own fault if they omit it. The parties who are entitled to the principal, are also entitled to the dividends, and these continue to be carried to their credit, and added to the principal. This great bulk of the Suitors' Fund Parliament can not touch. There is another fund—the floating balance of cash in the Accountant-general's hand, called the Dead Fund, and so called only because it yields no interest. This balance remains in the hands of the Accountant-general, because no application is made to have it invested in the funds, so as to yield interest. This fund has from time to time been dealt with by Parliament for instance, Parliament has, by act, occasionally ordered a part of it to be applied in a particular manner. Your lordships will perceive that this cash balance is precisely of the same nature as a banker's balance. The Court of Chancery is to a certain degree a banker. The Court always has sufficient money to pay the suitors the uttermost farthing on demand; but as no banker is expected to keep the whole of his balance in his shop every day and every hour, for the chance of his customers calling for it, so neither is the Court of Chancery bound to keep the whole of the fund in question in its hands, for the chance of being called upon to pay it. The banker always finds funds for the payment of every draught presented to him, and the Court of Chancery finds funds to satisfy every demand which may be made upon it. Parliament has, in several instances, directed a portion of this unappropriated fund to be invested in the public securities, so as to bear interest, which interest has, from time to time, been applied to various purposes, and sometimes to the payment of salaries. To this interest no individual has any claim. There may, by possibility—by a bare possibility—be a claim to the principal, for this fund is composed of small sums, which once belonged to persons who have ceased to exist. But if all the dead were to rise up and claim their money, they could be paid to half a farthing out of the principal. Their claim, however, must be confined to the principal. Claim on the interest they have none, for it was their own fault, and their own fault alone, that they did not have the principal invested in the public funds. The interest forms a surplus fund called the Interest Fund, on which no party can ever have any claim. This fund has been, from time to time invested in the public securities, and the interest goes on accumulating, and the Interest Fund is also, in common parlance, called the Suitors' Fund. This fund now amounts to 600,000*l.*, for it has been swelled by the accumulation of the interest of interest of interest; and of this sum Parliament has an undoubted right to dispose of every farthing. The Dead Fund amounts to somewhat about 1,000,000*l.* It is just possible, but it is a possibility which man's mind can hardly conceive, that the whole or the greater part of this sum may be claimed. The fund, however, remains sacred; Parliament has never appropriated more than the interest. I need not detain the House longer upon this point. It is only necessary to state thus much, in order to sweep away—I hope, for ever—the charge that Parliament had done any thing which it had not a right to do with the Suitors' Fund. As I am on the subject of Law Reforms, perhaps your Lordships will allow me to state the results which have occurred during the last six or seven months, from the very great improvements which your Lordships adopted in the law of this country, in relation to the administration of bankupts' effects. The measure to which I allude has established a balance in the way of saving, after the payment of all the salaries of all the officers, including ten Commissioners (four of whom are Judges of the Court of Review), registrars, and clerks, of 36,000*l.* a year. The saving of expenses, however, is the least part of the benefit which has resulted from the change in question. The system has worked excellently in other respects. In one particular, and in one particular only, have I been disappointed, and, I may add, agreeably so. Your Lordships may recollect that I always contended that a smaller number of Commissioners than ten appointed by the new Act, would be sufficient to perform the business which had theretofore been done by seventy. As far as experience has hitherto gone, I think I am entitled to say that I was right in my opinion; and, though by struggling with my learned coadjutors, who assisted me in preparing the Bill, I was enabled to get the number of Commissioners and Judges reduced from fourteen to ten, I feel confident that we should not have furnished too little judicial assistance to the administration of affairs in bankruptcy, if we had carried the reduction still further. This remark does not apply to the Commissioners who, ordinarily and with so much advantage, work the commissions, but to the Court of Review, which, in my opinion, is considerably underworked, and I look forward with great satisfaction to the prospect of being enabled, at an early period of the next Session of Parliament, to throw on the learned and excellent persons who constitute that Court, and who are so well able to bear it, a very considerable, and, I hope, a very useful addition to their judicial labours, by connecting their jurisdiction with that of the Insolvent Debtors' Court. By that arrangement, the duty imposed on these learned persons will not be too onerous, whilst the country will gain incalculably by having a greater number of circuits performed by the Insolvent Debtors' Court in all parts of the country, instead of, as at present, only four times during the year. I will take the liberty of stating one or two facts, to illustrate the working of the new system, which are so interesting in themselves, that I am sure I need not apologize to your Lordships for mentioning them. In two months, in 1831, the number of dividend meetings was 149 (this was the average number): yet, in the two months preceding the period when they came into operation—namely, November and December, 1831, on the prospect of a better mode of doing business, there were no less than 631 meetings of this description. Persons were all setting their houses in order, in the expectation that a more scrutinizing and efficient system would be adopted than that which has hitherto prevailed. I will show the House what effect has been produced by the exertions of the official assignees, whose appointment was a part of the system, the expediency of which was so much doubted by many persons, for whose wisdom and practical information I feel the greatest respect. A Commissioner having looked into the arrear accounts of an old assignee, found that there was a considerable sum due, and with the assistance, of an official assignee, he actually got funds into his possession to the amount of more than 51,355*l.* This was done by one Commissioner only. I could state other facts, which must strike your Lordships with equal force, and satisfy you of the success which has attended the working of the new system. In the bankruptcy of James Rose, a decree of the Court of Chancery, in 1823, directed the sum of 5,213*l.* to be paid to the assignees who never applied for it. The matter slept and was totally forgotten, until the official assignee discovered some trace of the transaction in the old assignee's books, and recovered the money. The system pursued by the accountants, under the old system, is illustrated by the fact which I will now mention to your Lordships: Robert Wilkinson, an accountant, became a bankrupt in April last. His accounts, on being investigated by an official assignee, show that he had assets of different bankrupts' estates in his hands at the time of his bankruptcy, amounting to 7,000*l.* This item also appeared in his balance sheet—"profits including professional earnings as accountant and balance remaining, after declaring final dividends—38,000*l.*" I will detain your Lordships only by stating one or two other facts. A commission was issued against Hurst and Robinson in 1826. The official assignee, when appointed, found 11,042*l.* 11*s.* 10*d.* lying dead in a banker's hands, and 2,191*l.* in their hands, which he immediately recovered, and vested in Exchequer-bills, for the benefit of the creditors. A person, named Applegath, became a bankrupt in 1826, and the solicitor had absconded with his books, yet the official assignee succeeded in fixing the old assignees with various sums amounting to 5,000*l.*, which were totally overlooked upon several audits had before the old Commissioners. In 1817, Hadley became a bankrupt, and his father proved a debt of 7,000*l.*, and got himself appointed assignee. No assets were produced, nor any dividend paid. The father had died, but the official assignee detected so many of his frauds, that his executors consented to abandon his proof of the debt, and paid back the 7,000*l.*, by which means the creditors obtained 20*s.* in the pound. This is a remarkable illustration of the benefits resulting from the new system. There are several other cases of this character, some equally strong and applicable, others, of course, somewhat less so, but all converging towards that point, which most strikingly illustrates the salutary tendency of the system of official assignees, and which most strikingly testifies the general satisfaction—I will not say universal, but the general satisfaction—which its workings have already afforded the trading interest of the city of London. Nor is the source of this satisfaction confined to the mere saving of money; the beneficial operation of the system extends to the saving of time. For example, more progress was made in the matter of Duckett's bankruptcy in four months, under the official assignees, than was made in eleven months, in the case of Fry and Co., and twelve months in the case of Marsh and Co.; and before twelve months, a final settlement will be effected in the case of Duckett, while four or five years have elapsed without a final settlement of the two others. I cannot avoid, now that I am touching upon the official assignees, to bear testimony to the cordial support and zealous co-operation with which gentlemen, connected with the city of London, have assisted my views—opposed as they were in some cases to their long standing prejudices—in others, to their interests, as bankers and merchants. When I mention the fact, that three or four of the most respectable bankers in London have assisted, not only in the choosing of eligible persons to act as official assignees, but have actually assisted in carrying the system into effect, at a personal sacrifice, in one instance, of not less than 2,000*l.* a-year (the profit on balances and sums which otherwise would have been deposited in his hands), your Lordships will admit that too much praise cannot be bestowed upon those gentlemen for their patriotism and liberality, and honourable disregard of mere self-aggrandizement. I will conclude with repeating, that the zeal and ability, and consequent public advantage, of the bankers and merchants of London, and of the Judges and official assignees in the Bankruptcy Courts, are justly entitled to my warmest commendations, and to the gratitude of the public. His Lordship concluded by laying on the Table, a bill for effecting certain reforms in the Court of Chancery, which was read a first time.

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HOUSE OF COMMONS,

Wednesday, August 15, 1832.

Minutes.] Petition presented. By Mr. Hunt, from the Political Union at Gateshead, for the Discharge of the Soldier Somerville.

Forgery.] Lord *Althorp* moved, in the first place, that their Lordships' Amendments to the Forgery Bill be agreed to. The Amendments, he observed, which their Lordships had made, related to the crimes of forging wills, and of forging powers of attorney for the transfer of stock. He confessed, that when the measure was before that House, he was an advocate for the total abolition of the punishment of death in all cases of forgery. On reflection, however, he thought perhaps, that it might be better not to abolish all the capital cases of forgery at once, and he regarded the extent to which the Lords allowed the measure to go as a very great point gained, for amongst the variety of cases, only two were excepted. It had been asked of him by an hon. Member, who had just taken his seat, whether any representation had been made to him on the subject of the present Bill by the Bank of England? In reply to that he had only to say, that he had had a conversation with the Governor of the Bank, but he had not received any formal communication whatever. Thus much, however, he thought himself fully warranted in stating, namely, that the wish of the Bank of England certainly was, to retain the punishment of death in all cases where powers of attorney were forged for the transfer of stock. The noble Lord concluded by moving that the Amendments be agreed to.

Sir *Edward Sugden* did not rise for the purpose of objecting to or opposing the Amendments made by the other House of Parliament, because he, for one, though he should be glad if the punishment of death could with propriety be done away with in cases of forgery, would at once acknowledge that he concurred in the Amendments which had been made in the other House of Parliament; and he could have wished that the noble Lord (the Chancellor of the Exchequer) had not given way to his humanity. There was one point to which he could not help adverting, and that was the forgery of wills. In these instances professional men possessed the most unlimited confidence of the parties making them. The opportunities which they possessed of committing frauds were far beyond that which could by possibility be possessed by any other class of persons; and in no other country besides England was such unbounded confidence placed in any body of men, as was placed in England, in men of the profession of the law. He therefore would say, let them see how this Bill, with the Amendments made by the House of Lords, would work; though, on the other hand, it might be necessary to extend the capital punishment in cases of gross breaches of private confidence.

Mr. *Warburton* was truly sorry that the Lords had thought proper to make the Amendments, which had been sent down to the House of Commons, but he hoped, nevertheless, that the Bill would be permitted to pass. The noble Lord (the Chancellor of the Exchequer), had said, that he had received a remonstrance from the Directors of the Bank of England, on the subject of the abolition of death in all cases of forgery. He hoped that no objection would be made to that remonstrance being laid on the Table.

Lord *Althorp:* That remonstrance was only verbally made.

Mr. *Warburton* said, that he hoped that the noble Lord would not only state what were the terms of the remonstrance, but also what were the reasons upon which that remonstrance had been founded.

Lord *Althorp:* The statement upon which the objections of the Governors of the Bank of England were founded, was, that a great number of clerks were employed in the Bank of England, who, from the very nature of their employment, must be fully acquainted with the specific amount of stock, standing in each person's name. Now, all persons claiming dividends on stock, or principal so invested, were compelled to state to the uttermost farthing what amount they claimed for, and also to give the exact particulars, as to the profession, residence, &c., of each person, in whose name the stock stood; hence it must be obvious that those persons who were clerks in the Bank of England had facilities put in their way for forgery which no other men possessed; and that, therefore, it was absolutely necessary to render the punishment in cases of forgery of powers of attorney the most severe which the law could inflict. The hon. and learned Gentleman (Sir Edward Sugden) was quite mistaken in supposing that the reason why he had been anxious to abolish the punishment of death, arose from a morbid and over tender passion of humanity. The view which he had taken of the subject was simply this, that more good would be produced by the infliction of a secondary punishment, where the punishment was certain to be carried into effect, than by enacting a capital punishment for an offence when, under such a penalty, few men could be found to prosecute, and Juries were reluctant to convict. He felt more for the persons who suffered from the practices of those who committed forgeries, than he did for those who committed the crime. With respect to those objections, which were always, he thought, admissible in all other cases, he really thought that, in the case of the Bank of England, an exception to a general rule might be pleaded with great fairness. In the case of an individual the case was very different, and he must confess that, after every possible consideration of the question, he had great doubts as to the correctness of the opinions which he had at first entertained. He certainly felt it to be most inexpedient to reject this Bill; but he had more doubts as to the necessity of inflicting death in the case of forgery of wills, than he had of its infliction in cases of forgery of powers of attorney.

Mr. *Hume* thought that the statement of the noble Lord showed a very good reason why the Bank of England should be the only exception to a general rule. But the reason why he admitted the necessity of abolishing the punishment of death, was his conviction that the severity of the law as it now stood, always, or at least generally, had the effect of permitting the culprit to go free. On this ground, then, he considered it was much to be lamented, that these Amendments had been made by the House of Lords. He had no hesitation in saying that it would be much better to reject the Bill altogether, than assent to them without some understanding as to their operation. He had stated to the noble Lord, that, up to the present period, particularly within the last two years and a half, the public feeling was and had been so strong on this point, that he much doubted whether or not the Amendments would be beneficial in their operation. He, therefore, felt it would be most advisable to allow the law to remain in its present state, and to reject this Bill, inasmuch as it might tend to make the infliction of the severest penalty of the law imperative upon persons now under sentence of death for certain offences, but whose sentence, as the law now stood, might be commuted. The noble Lord must be aware that there were many persons now under sentence of death, and it would indeed be hard to apply to their case. that which might in many respects be considered an *ex post facto* law. But as he could not believe that the present Act would be interpreted to the prejudice of such unfortunate persons, he, in common with the noble Lord, felt disposed rather to agree in the Amendments sent up from the Lords than reject the Bill, because some improvement in the criminal law had certainly been obtained, though the two exceptions were made in respect to the punishment of death, in the cases of forgeries of wills and powers of attorney. He would however, again repeat his hope, that the present Bill would not affect persons now under sentence of death. He was satisfied that if the Legislature wished the laws to be properly enforced, it was their duty to see that the infliction of the sentence should be rendered certain; and it was upon that ground he argued, that when it lessened the punishment, but made its infliction sure, it best protected property. It must be evident that, under the existing system, the penalty as by law established, was so frightfully severe that few persons were to be found to enforce the punishment prescribed: and this feeling of repugnance to the law pervaded the judgments of those who ought not to entertain compassion in such cases. He had thought it right to state his views in connexion with this subject, and he hoped that, early next Session, some measures would be taken to revise the criminal law still further. By rendering punishment more certain, more good would be done to prevent crime, than the enactment of a multitude of new laws. Before he had come into the House, he had felt determined to take the sense of the House upon the propriety of rejecting the Amendments, but upon hearing the explanation of the noble Lord (the Chancellor of the Exchequer), he had been induced to waive in some degree his objections, because the Bill, with the alterations made in it by the Lords, was calculated to achieve a very great improvement in the existing law.

Mr. *Wilks* said, he hoped that in expressing his concurrence with what had fallen from his hon. friend, the member for Middlesex, it would not be supposed that either he or his hon. friend acquiesced in the law as amended by the alterations made by the Lords. He considered that those alterations were only calculated to be temporary, and, under that feeling alone, he was induced to agree to the Bill as amended.

Mr. *Hunt* said, he was very sorry that his Majesty's Attorney General was not present, and ready to defend his Bill. He had given him great credit upon his introducing the measure, for his laudable exertions in the cause of humanity; and he much regretted that that hon. and learned Gentleman, and other Members of the House of Commons were so ready to register the edicts of the House of Lords. It appeared to him, that the noble Lord, the Chancellor of the Exchequer, had altered his opinion very readily; not, perhaps, his own personal, but his political opinion; and it was quite clear, that if the House did not assent to these Amendments, the Bill must be lost. It was quite clear that the House had only to send a popular measure up to the House of Lords, and it followed as a matter of course, that they returned such measures with amendments, which served to make them most unpopular. The hon. member for Middlesex had said, that he had been of opinion that it would be much better that the Bill should be thrown out, and in that first opinion of the hon. Member, he sincerely concurred; but he would not put the House to the trouble of dividing upon the question, inasmuch as he well knew that he should be unsuccessful in the attempt to reject the Bill; but he wished it to be clearly understood that he protested against the Amendments which had been made in the House of Lords. He thought it most preposterous that they should call themselves Representatives of the people, while they assented to the alterations which had been made, upon the plea that if they did not do so the Bill must be thrown out, because it had only reached its last stage at an advanced period of the Session. He begged to call the attention of the House to another Bill which had been lately passed. By the law as it stood previously, it was enacted that persons convicted of certain offences should be transported for various periods; but by the Amendments which had been made in the House of Lords, the sentence was made transportation for life, and it had been made imperative on the Judges to pass sentence accordingly, no discretion being left in the hands of the Judge.

The *Attorney General* said, he thought that the hon. Member for Preston might feel satisfied that he had done some good by not dividing the House upon this occasion; for whatever opinion might be entertained as to the amendments which had been made, it was quite clear that the Lords had taken away the punishment of death for forgery, except in two cases—those of forgery of a will, and of a power of attorney. He rejoiced at so much having been achieved, though he should have been better satisfied had the Lords given their sanction to the abolition of the punishment of death in all cases; and he would confess that he could not exactly distinguish the principle upon which the amendments had been made, because the arguments which had been urged on both points, would apply with equal, if not greater force to bills of exchange. Undoubtedly as to the forgery of wills, professional men had a great deal of confidence reposed in them, and that was a reason for punishing that species of forgery very severely. With regard to another Bill alluded to by the hon. member for Preston, he must say that he rejoiced it had become the law of the land, because he was sure it had effected a most important improvement in our criminal law.

Mr. *Hunt* had no objection to hang all lawyers who might be guilty of a breach of trust.

Amendments agreed to.

COMPOSITION OF TITHES (IRELAND).] Lord Althorp moved, that the Amendments made by the Lords in this Bill be agreed to.

Mr. *Ruthven* again protested against this Bill, and he also took that opportunity to protest against the doctrine lately attributed to the Lord Chancellor, that the Habeas Corpus Act could be suspended in Ireland at the mere dictum of the executive, and without application to Parliament on the subject. Such a doctrine, he said, was at variance with constitutional law, common law, and common sense. It was a doctrine, too, to which the expressed opinion of the Lord Chancellor of Ireland was directly opposed. The hon. Member also condemned, in strong terms, the language attributed to the Lord Lieutenant of Ireland at the late interview of his Excellency with the Cork deputation, on which occasion his Excellency was represented to have said, "One of those parties I have put down, and you want to mount and bestride them; but that shall not be, for I will master you both." He thought that such language was not the fittest that could be employed by the King's representative in Ireland.

Amendments agreed to.

AFFRAY AT CLITHERO.] Sir *Edward Sugden* said, he was sure that every hon. Member who was present at the discussion on this subject on a former evening, would remember that he (Sir Edward Sugden) then deplored as deeply as any one could, the violence which had been resorted to against the people, and that he regretted the necessity, if such there was, of the cavalry acting, in that instance, against the people. Hon. Members would perhaps recollect, that he went on to say, that this outrage was obviously a premeditated one, and that while what had occurred was to be regretted, it was, perhaps, to be considered as a happy termination to what might have been a still greater evil, and a more fearful outrage. Now, in an article in an evening paper, to which his attention had been that day called, his sentiments on this subject had been grossly misrepresented. It was there stated, that he viewed the cutting down of the people as a matter of indifference—that he hailed the termination of this affair as a happy one; and it was finally asked whether the House could have heard such sentiments without disgust? Now this he must say, on his own part, that he had not given expression to sentiments on that occasion that any one Member of that House would have been ashamed to utter. He had expressed his regret at what had occurred, and he had also expressed his opinion, that probably what had then taken place had prevented the occurrence of a still greater evil.

Mr. *Hume* wished to know from the right hon. Gentleman opposite, whether one of the results of the inquiry on this subject was, that the military had been called in without the sanction of the bailiff of Clithero, and against his protest on the subject, and whether they had not proceeded to act before the Riot Act was read?

Mr. *Lamb* said, that the protest of the bailiff of Clithero against the introduction of the military was made when he was only acquainted with a part of the outrage that had been committed; at that period the bailiff certainly thought that there was no necessity to send for the military, and he accordingly proceeded to stop them on their march to the town; on his way, however, he was convinced, from communications which reached him relative to the progress of the riot, of the propriety and necessity of calling in the military for the purpose of suppressing it. There was, in fact, no regular protest made by the bailiff against calling out the military, and the moment he was convinced of the propriety of such a step he acceded to it. With regard to the second question which had been put by the hon. Gentleman, he was ready to say that there was no doubt that the troops had entered the town before the Riot Act had been read; but no attempt was made on their part to disperse the crowd until the Riot Act had been read, not once only, but five times. The inquiry, as far as it had gone, had shown that the troops had acted with great forbearance, and under circumstances of great provocation, and he did not think that any blame attached to the Magistrates for their conduct in this instance.

Mr. *Hume* wished to know whether the hon. Gentleman had any further information to communicate as to the reasons which the Magistrates assigned for calling out the troops, and whether he would state that any further steps would be taken to prosecute the inquiry on this subject?

Mr. *Lamb* said, that there was such a mass of contradictory evidence on both sides on this subject, that he was not at present prepared to say what further steps would be taken towards the prosecution of an inquiry into the matter.

Mr. *Hunt* said, that he had heard a very different version of this affair from that which had been given of it in that House. He would say, that if the elections of the people of England were hereafter to be carried on contrary to law, at the point of the bayonet, and under the surveillance of a military force, it was high time for the people of England to do that which *The Times* had recommended them to do last Christmas—namely, to arm themselves, in order to protect themselves against the aggressions of the boroughmongers. Having been an eye-witness of the Manchester massacre, he would state that the grossest falsehoods had been uttered in that House on that subject, in order to screen the military, and it was not at all improbable that the same was the case in this instance. As to inquiries, all inquiries on the part of Government were mere farces, for they were only inquiries on one side of the question.

General *Phipps* said, that the military had conducted themselves in this instance in the most exemplary manner.

Lord *Althorp:* I agree with the hon. member for Preston, in hoping that it may not be necessary to call in the military at any of the approaching elections, because it is unusual, and even contrary to law to call them in at the time of an election taking place; but if a riot takes place, it may become necessary to call them in, though this would only be justifiable in such a case. The hon. member for Preston says, that he hopes the people will arm for the purpose of resisting the aggression of the military. I hope that the law will always have power enough in this country to protect the people of England without their having to take the law in their own hands. I am satisfied that the advice given by the hon. Gentleman would produce the most serious evils. If the military act improperly, and the King's subjects are injured, the law is open to them; and I can assure the hon. Gentleman and the House, that the Government will not be slow to protect the people if they are improperly attacked. But if the people are thus called on to take the law in their own hands in a moment of irritation, and when no one can form a cool judgment, I am afraid that such a course will tend to produce the greatest calamities to the country. The doctrine of the hon. Gentleman, therefore, is one which I feel it necessary to protest against in the strongest manner. The hon. Gentleman, no doubt, thinks that inquiry in this case ought to be made: that inquiry has been made: but then he tells us, that if we do institute an inquiry, such an inquiry as that he does not care one farthing for, and that that is not what he wants.

Mr. *Hunt* begged to say, that he did not advise the people to arm. He had merely asked the question whether the time had not arrived when the advice given by *The Times* last winter for the purpose of carrying the Reform Bill—namely, that the people of England should arm themselves, to protect themselves against the aggressions of the boroughmongers—should be adopted by the people of this country? The noble Lord attributed to him different words, though perhaps not a different meaning.

QUALIFICATION UNDER THE REFORM ACT.] Mr. *Hunt* presented a Petition from the Reform Association of Manchester, complaining of the cumbrous machinery, and the many inconvenient provisions of the Reform Bill. They prayed, that the whole of the Bill, with the exception of the disfranchising clauses, might be repealed. If some remedy was not applied before the next general election, to remove the objectionable provisions, it would be fatal to the peace of the country. This petition came from those very persons from whom the member for Westminster (Sir John Hobhouse) presented a petition, upon a former occasion, in support of the Bill.

Lord *Althorp* said, that he would take that opportunity to make a few observations in reference to what had fallen from the hon. and gallant member for Rye, on a former evening, with regard to the disqualifying effect of the Reform Bill, in Manchester and other places. Before doing so, however, he begged to remark, with respect to the present petition, that as it went to the extent of calling for the repeal of the whole of the Reform Bill, with the exception of the disfranchising clause, it would, should its prayer, by any possibility, be granted, go to deprive Manchester, and other large manufacturing towns, of Representatives. He, therefore, thought, that such a petition was entitled to no attention. His hon. and gallant friend (the member for Rye) stated, on a former evening, that the effect of the Reform Bill, unless some alteration should be made as to the payment of the rates, would be, that in Manchester there would be only 758 persons entitled to vote; that in Salford there would be only forty; in Bolton only 84; in Blackburn only 78; in Warrington 40; in Oldham 40; in Rochdale 38, &c. Now, he (Lord Althorp), in consequence of that statement, had received a communication from a most respectable gentleman in Manchester, well known to him, and who had ample opportunities of being accurately informed on the subject, and that gentleman's statement was, that instead of 758 voters, there would be, in the township of Manchester alone, 4,400 persons qualified to vote, and that the entire number of voters for the borough of Manchester would amount to from 7,000 to 8,000; that, in Salford there would be from 1,100 to 1,200 voters; that in Bolton, instead of only eighty-four, there would be 1,000 voters, there not being above ten persons there, who would be entitled to a vote under the Bill, disqualified from the non-payment of the rates, and that in Blackburn there would be 1,000 voters instead of seventy-eight. The information with regard to Blackburn came from a gentleman who had already actually canvassed 800 out of the 1,000 voters in that borough. He had not received any information with respect to Warrington, but, from the statement to which he had adverted, he felt warranted in saying, that the lowest number of voters in any of the boroughs that had been alluded to by his hon. and gallant friend, would be upwards of 700, which was, by no means, an inconsiderable constituency. He knew not on what grounds his hon. friend had made the statement in question; but it certainly was a most incorrect one. He could state that, at Preston there would be from 6,000 to 7,000 persons qualified to vote. He (Lord Althorp) felt happy in being able to make this statement, as he certainly confessed, that at the time his hon. and gallant friend made the statement to which he had alluded, he felt considerable apprehension lest the disqualifying effect which he attributed to the Reform Bill should proceed to the extent he represented. That statement, he was glad to find, was, as far as Lancashire was concerned, greatly exaggerated; and he hoped that the same would be found to be the case throughout the country.

Mr. *Macaulay* had that morning had an opportunity of conversing with a gentleman from Yorkshire, who had told him that no inconvenience, such as that described by the gallant Officer, had been felt about Leeds, for that there the generality of the rates and taxes had been paid up, and he believed that the same statement might be made with respect to all the manufacturing towns in Yorkshire.

Colonel *Evans* was very glad to hear the statement that had just been made by the noble Lord; and, in fact, if the noble Lord had not made that statement, he (Colonel Evans) should have risen for the same purpose, because he himself had received letters confirming the account just given by the noble Lord. In the reports that had been given of his former speech on this subject, it had been made to appear as if he had positively stated that the numbers in these different towns were such as had been just recounted by his noble friend. But the fact was, that he had only stated a supposititious case. He had said, "taking the standard of the parish of St. James in London, and reckoning the towns in Lancashire by the same rule, the effect will be so and so." He must, however, again repeat his belief, that it would be found that great disfranchisement would prevail at the time of registration in the metropolitan districts.

Mr. *Duncombe:* The noble Lord, on a former occasion, stated, that any scot-and-lot voter who had paid his rates up to the day of registration would be entitled to vote. I wish to ask him whether he meant the rates due to 5th April, or the rates due to the day of the registration?

Lord *Althorp:* I really think that these questions would be more fairly addressed to a lawyer than to me; but I apprehend that the law formerly was, that all rates must be paid by the scot-and-lot voters up to the day of the election; and all that is done by the present Bill is to put the day of registration *vice* the day of election. Therefore, where a voter claims under the old law, all rates must be paid up to the day of registration; and this would have been the case if we had adopted the proposition of giving all scot-and-lot voters, throughout the kingdom, the elective franchise.

Mr. *Duncombe:* Then I am able to state that not one elector in the parish of

St. George, Westminster, will be entitled to vote. They have paid their rates up to 25th March; but, if required to pay them up to the day of registration, not one will be able to do that; indeed, I believe that it is already too late now to take such a step. I had an opportunity this morning of ascertaining that not one of the 5,144 rate-payers in St. George's has qualified according to the opinion just delivered by the noble Lord; while, on the other hand, 4,180 of them have paid their rates up to Lady-last. And now the simple question is—Can they vote?

Lord *Althorp:* I omitted just now to state what I have already frequently stated, that those only are disqualified who refuse to pay when the demand is made on them. That is the old law of scot and lot voting; and that is equally applicable under the present Act, Besides, if they have all paid up to Lady-day, such as occupy 10*l.* houses will be able to vote on that claim.

Mr. *Duncombe :* No, no!

Mr. *Wilks :* The noble Lord does not appear to be aware that subsequent rates have been made.

Mr. *Duncombe :* I understand that only twenty-two out of the whole parish have paid the last rate.

Sir *John Hobhouse :* When the collectors of the taxes give in their accounts to the Public Treasury, they are obliged to make affidavit that they have made the demand on all the rate-payers; so that it is impossible that any can escape that way.

Lord *Althorp :* My right hon. friend having so long been a Member for a scot-and-lot borough, I am surprised that he is not aware that payment of taxes is not necessary to entitle a scot-and-lot elector to vote.

Sir *George Warrender* wished to ask whether the Government would allow the register to be postponed? He understood the Paymaster of the Forces to have intimated that, in all probability, no new election would take place before December, in order to admit of the registration being perfectly completed. He, therefore, wished to ask the noble Lord whether there was any chance of a general election before the register was complete?

Lord *Althorp*: I think that it is quite impossible for a Minister of the Crown, consistently with his duty, to give an answer to that question. I, certainly, did state, on a former occasion, that there would be a great inconvenience in a general election taking place before the register was complete. I am willing to repeat that statement; but I think that I should be guilty of a dereliction of duty, were I to give any pledge as to the dissolution of Parliament; and I must, therefore, decline giving any answer to the hon. Baronet.

Sir *Edward Sugden* apprehended that there was no danger of a general election, until the new bill had come into complete operation, and until after they had the benefit of the registration. Indeed, it would be the greatest calamity to the country if a dissolution should take place before that period. He was quite satisfied from the statement of the noble Lord (Lord John Russell) on a former evening, that there would be no dissolution until then, unless a great public necessity called for it. He, for one, always thought that this Bill imposed too many restrictions on the right of voting. He had endeavoured, when the measure was before the House to do away with some of them—such, for instance, as the payment of a shilling for registering; and he was sure that their existence would be productive of much dissatisfaction throughout the country.

Lord *Althorp* said, the reason for this part of the Bill, requiring the payment of a shilling on registration, was a very general complaint, that if the expense were thrown on the poor-rates, it would fall as well upon those who had no vote as those who had. He confesssd that, at first, he felt great objection to it. Country gentlemen complained that the burthen would press hard upon the payers of poor-rates if the expenses were charged upon that fund, and it was upon this consideration that it had been resolved that the payment of 1*s.* should rest with the party obtaining political privilege. It, certainly, was but a small payment, and those who objected to such a payment could not care much about the possession of that privilege which it was intended to secure; probably they did not want to have a vote at all. If the regulation respecting the payment of 1*s.* had been productive of so much evil as hon. Gentlemen represented, he, certainly, should deeply regret it; but still, the balance of inconvenience would have been the other way, had the other suggestion been adopted.

Mr. *Hume* admitted that he had not foreseen the inconvenience or evil of the regulation for the payment of 1*s.* for registration. But the clause respecting the payment of rates and taxes was that which had been productive of the most mischief. Ministers had been warned of this effect of the clause by an hon. friend near him, who pointed it out as a fruitful source of bribery. He had himself seen letters, offering votes, upon the condition of the taxes of the voters being paid; and this proposition arose out of the distress of the voter, rather than any other feeling. The class now most distressed in the country was the class of tradesmen. He hoped that when the Bill came under consideration again, this provision of it would be duly modified. He was certain it would never give satisfaction until the qualification by payment of rates was changed, and he hoped that change would soon be effected.

Lord *Althorp* could not help expressing his surprise at hearing the hon. member for Preston cheer the hon. member for Middlesex in the concluding sentences of his speech; for, if he was not very much mistaken, that hon. Gentleman (Mr. Hunt) had himself brought forward a motion to exclude all who had not paid their rates from voting.

Mr. *Hunt* observed, that this was the second time the noble Lord had tried to put him in the wrong. The noble Lord was, however, himself in the wrong. The motion he had made, and to which the noble Lord had referred, was not one of an excluding nature, but the contrary. The object of his motion had been to include in the right of voting all who paid scot and lot. He thanked the noble Lord for his kind intentions, but he guessed he had taken nothing by his motion. He (Mr. Hunt) hoped this tax qualification of voters would be altered. As to the effect of the clauses of this Bill, that effect would not be determined by the opinions of hon. Members in that House, but by the opinions of Barristers out of it; and if the Barristers did their duty, he affirmed that the greater part of Manchester would be disfranchised.

Sir *John Hobhouse* wished his noble friend (Lord Althorp) would answer the question of the hon. Member opposite (Mr. Duncombe), according to whose account a whole parish in Westminster would be disfranchised, by a mistake respecting the period up to which it was requisite their rates should be paid. The inhabitants of the parish in question had paid their rates up to the 25th of March, and the question was, whether they ought to have paid them to April? He hoped his noble friend would be able to give some satisfactory answer upon this point.

Sir *Edward Sugden* hoped that the noble Lord would give no answer to the question put to him. The interpretation of the Bill did not now belong to that House; it was in other hands, and must take its course as all other Acts did. However respectable the opinions of Members of that House, they would not in fact alter the true legal construction of any part of the Act. It was, therefore, most advisable, as well with reference to the respect due to the House itself as to the opinions of those who would have to decide upon the strict legal bearing of the Act in all its parts, without regarding the opinions of any, that they should abstain from uttering *dicta* which could not be availing.

Mr. *Cripps* wished to be informed whether the old right of voting would be altered by the present Bill.

Lord *Althorp* could not determine upon the legal effect of any particular clauses. His own opinion was favourable to the right.

Mr. *Warburton* said, it appeared by the noble Lord's statement that the only way to obtain an opinion upon the meaning of any of the clauses was for the unfortunate candidate to come to that House and to have an Election Committee ballotted for. They were told not to give an opinion upon the subject. But, when he saw such a place as the city of Westminster nearly disfranchised by this Bill, he could not refrain from giving it as his opinion that it would be much better to have a short Session before dissolution than to go to an election with so imperfect and mischievous a measure. In the parish of St. Clement Danes, he understood, a great doubt existed about the franchise. The rate, it appeared, had been made up to June 25, and it was not called for from the inhabitants till the 2nd of August. Now the question was, whether the whole of that parish was disfranchised or not? The noble Lord (Lord Althorp) told them that the rate must have been demanded before the voter could be disqualified. But there were decisions of Committees of that House directly to the contrary effect. How were they to determine with such contradictory decisions before them?

Sir *George Warrender* thought it pretty clear, from the present discussion, that the Bill was good only for one party in the State, and that party was the lawyers. One man, it appeared, would be disfranchised because he did not choose to pay 1*s.*; another, because he did not pay his rates when they were demanded; and a third, because he did not pay rates before they were due, and before any application had been made to him for them. Thus was this incongruous and inconsistent Bill, fit for nothing but to furnish a rich harvest to be reaped by the lawyers.

The *Attorney General* strongly condemned the system of asking and discussing questions upon points of law in that House. There were thirty or forty Gentlemen, each coming from a different place, and with different local circumstances as the foundation of his question, and each expecting to get an answer satisfactory and conclusive. He had always said, he would not answer any question which he had not on black and white, with the circumstances fully before him. He had given the same answer to his right hon. friends near him. For his own part he did not anticipate that there would be those difficulties in the way of the voter under this Bill which some imagined there would be; but he was quite sure that opinions hastily given, various and contradictory, such as were uttered in discussions of the kind then going on, and which by some means found their way out of doors, could only be productive of mischief.

Mr. *Hume* thought his hon. and learned friend forgot that they sat in that House to correct the law. It was their duty to change the law if it was not adequate to its purposes; and if they were not to be permitted to discuss the state of the law, how could they discharge that part of their duty? As to the Reform Act, if it were to be allowed to go to the country in its present state, so far from there being any tribunal for interpreting its meaning hereafter, he did not believe there would be Members enough to form even one Election Committee. He had risen to mention a report he had heard very much to the credit of the right hon. Secretary for Ireland (Mr. Stanley), namely, that he had summoned all the practising barristers to Dublin to consult upon the Bill, and come to some understanding upon its provisions, in order that there might be but one interpretation of it extant in the elections. He hoped this report was true, for it was a most discreet and useful step.

Colonel *Torrens* said, that from his information it did not appear that there would be those obstructions to the voters, which were anticipated from the defective wording of the Bill.

Mr. *Harvey* did not think it just to require any pledge from Government respecting the re-assembling of Parliament, until they had seen the Returns from different parts of the country. If they then found that the constituency generally was much narrowed, Parliament, no doubt, ought to be called upon to apply a remedy. But if the inconvenience existed in one or two places, the mere result of accident, then he thought it would be unreasonable to put hon. Members to so much inconvenience.

Petition ordered to be printed.

PUNISHMENT OF BLASPHEMERS.] Mr. *Hunt* presented a Petition, signed by 200 inhabitants of the city of London, expressive of the "disgust and indignation" which they felt at the sentence passed upon two individuals, Mr. Twort and Mr. Ward, for the declaration of their religious opinions, and praying that the House would interfere to obtain their liberation from prison. He (Mr. Hunt) had always understood that the Attorney General was opposed to prosecutions and punishments for opinion merely, and he was therefore the more surprised at the sentence.

Mr. *Hume* expressed his thorough disgust at the daily prosecutions going on against men for their opinions. Every man in this country had civil rights, and the right to express his opinion was one of his rights. To give a man eighteen months' imprisonment for such an offence was an utter disgrace to any civilized country. He held religious liberty to be a civil right, and a man was therefore free to adopt whatever religious opinions he might choose. When the Whigs were out of office they were as much opposed as any one to such prosecutions. Why, then, did they tolerate and encourage them now? They complained of the conduct of the despots of Frankfort; but if such a line of conduct were permitted in this country, they would themselves deserve to be enrolled amongst the foreign despots. He could imagine nothing more atrocious than the punishment of these men.

The *Attorney General* complained that the hon. member for Middlesex did not know the nature of the offence for which these men had been punished. He assumed that it was merely for giving utterance to blasphemous opinions.

Mr. *Hume:* It is so in the Petition.

The *Attorney General:* It was not upon what the convicted individuals alleged, that the hon. Member was entitled to turn round and condemn those who had been instrumental in bringing about the conviction. The fact was, that the individuals in question had been guilty of a gross assault upon a respectable divine, upon the morning of the day appointed for a general fast; and, further, of disturbing a congregation. It was not, therefore, as assumed by the hon. member for Preston, for a mere difference of opinion, that these men had been punished.

Mr. *Hume* said, he did not mean to palliate an assault; but even assaults ought to be kept on their proper footing as to punishment, and surely, to justify eighteen months' imprisonment, the assault should have been of a very serious nature.

Mr. *Hunt* said, he understood that the Clergyman to whom the hon. and learned Gentleman referred had disgraced himself, and commenced the disturbance by attempting to pull down the placards carried by the men, and in the course of the struggle, he got a blow or a scratch. The petition was signed by 200 individuals, and was entitled to the attention of the House.

Mr. *Perceval* could not sit in that House and hear any man defend such conduct as these convicted men had been guilty of, without raising his voice to denounce such defenders of iniquity and blasphemy. It was disgraceful to any man calling himself a Christian to rise in that assembly as the avowed protector of the foulest, the grossest, the most wicked and filthy attacks upon Christianity. He said it was disgraceful (turning to Mr. Hunt who sat immediately behind him) to that House, and to the character of the community, that men could be found there the willing instruments of blasphemers, the conduit-pipes of the vilest blasphemy.

Mr. *Hunt* rose to order. He begged to know from the Chair whether it was consistent with the Orders of that House that his conduct was to be stigmatized as "disgraceful" because he had presented a petition.

The *Speaker* said, he was sure the hon. Member (Mr. Perceval) could not have intended to apply such language to any Member of the House.

Mr. *Perceval* explained. What he had meant to say was, that when a man was brought before the laws of his country, and made amenable to punishment for the dreadful offence of blaspheming his God and his Saviour, any Member of that House who reverenced his God, and if he did not reverence him his conduct was the more disgraceful, was bound to inquire into the circumstances of the case before he attacked the Government and the law in favour of such a man—before he made himself the vehicle of such improper and unjust attacks. If a man did not do that, but came forward voluntarily, and without inquiry, the self-elected defender of foul, beastly, and horrible blasphemies, then he said his conduct as a man and a Christian was disgraceful. He was not alluding to any particular individual, but laying down a rule for the general guidance of the Members of that House. Before all it was their duty to reverence God; and they who did not do so would be overtaken in their course of sin. But let the Government of the country look to those irreverent and blasphemous publications which were abroad, sapping the morals and principles of society, depraving the minds of the multitude; and working mischief with a horrible tide, which was overbearing all the barriers of decency and religion. These things were working in an under-current, not apparent to that House, not visible on the surface, not likely to come to the ears of those who did not diligently seek to know them, but as surely sapping and undermining the foundation of ——

Mr. Hunt rose, and, interrupting the hon. Member in the middle of his sentence, moved, that the House be counted.

House counted out.

HOUSE OF LORDS,

Thursday, August 16, 1832.

MINUTES.] Petitions presented. By Lord TEYNHAM, from Bridgewater, to interfere in behalf of the Poles; and from the Society for the Encouragement of Industry, in favour of Poor Laws (Ireland).

PROROGATION OF PARLIAMENT.] His Majesty went in state to the House of Peers to Prorogue the Parliament.

The House of Commons having been summoned to attend his Majesty, a great many Members, with the Speaker at their head, appeared at the bar of the House of Peers, when

The *Speaker* addressed his Majesty in the following terms:—

"May it please your Majesty—We, your Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, attend your Majesty at the close of a laborious and most important Session. Your Majesty was graciously pleased, at the commencement of the Session, to recommend to our careful consideration, the Estimates for the current year; and, Sire, it is with sincere gratification that we have found ourselves enabled to accomplish your Majesty's paternal wish by a great reduction in their amount. But, Sire, it would ill become me at this moment to attempt to enumerate all the various measures, however important and necessary in themselves, yet of usual Sessional recurrence, which have come before us. This Session, Sire, has been peculiarly marked by matters most difficult in themselves, most pressing in their immediate emergency, and yet lasting in their effects upon the highest interests of the country. Among these measures I would advert to your Majesty's injunction upon us that we should deliberate on the present state of Ireland, with reference particularly to the payment of tithes in that country.

" Sire, we have deeply deliberated on that painful and difficult subject, and we have passed a Bill, which we hope may afford the necessary protection of their legal claims to the Established Church, and which we hope may also form the basis of future measures calculated to remove the present causes of complaint.

" But, Sire, of all the questions, that which has most engaged our time and attention, paramount to all, from the earnestness with which it was called for; from the difficulties and intricacies with which it was embarrassed, from the great change it was productive of, and from the lasting effects it was to produce—of all the measures we have had to shape, to contend with, and to complete, the most prominent has been the great measure of the Reform in the Commons' House of Parliament.

" Sire, it is not within the range of mortal intellect at once to embody and bring to maturity of perfection so vast a scheme; but, Sire, we have laboured with incessant assiduity, with honesty of purpose, and we hope results may prove, with security to the State and contentment to the country.

" Sire, I dare not longer address your Majesty than to present you with our last Bill of Supply, intituled ' An Act to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year 1832, and to appropriate the Supplies granted in this Session of Parliament;' to which, with all humility, we pray your Majesty's Royal assent."

The Royal assent was then given to the above-mentioned Bill, and also to the Greek Convention, the Forgery, the Chancellor's Salary, the Coach Duties, the India Juries, the Tithes Composition (Ireland), and the Party Processions (Ireland) Bills.

His Majesty then delivered the following Speech:—

" *My Lords and Gentlemen,*

" The state of the public business now enabling me to release you from a further attendance in Parliament, I cannot take leave of you without expressing the satisfaction with which I have observed your diligence and zeal in the discharge of your duties during a Session of extraordinary labour and duration.

" The matters which you have had under your consideration have been of the first importance; and the laws in particular which have been passed for reforming the Representation of the People have occupied, as was unavoidable, the greatest portion of your time and attention.

" In recommending this subject to your consideration, it was my object, by removing the causes of just complaint, to restore general confidence in the Legislature, and to give additional security to the settled institutions of the State. This object will, I trust, be found to have been accomplished.

" I have still to lament the continuance of disturbances in Ireland, notwithstanding the vigilance and energy displayed by my Government there, in the measures which it has taken to repress them. The laws which have been passed, in conformity with my recommendation at the beginning of the Session, with respect to the collection of Tithes, are well calculated to lay the foundation of a new system, to the completion of which the attention of Parliament, when it again assembles, will of course, be directed.

" To this necessary work my best assistance will be given, by enforcing the execution of the laws, and by promoting the prosperity of a country blessed by Divine Providence with so many natural advantages. As conducive to this object, I must express the satisfaction which I have felt at the measures adopted for extending generally to my people in that kingdom, the benefits of education.

" I continue to receive the most friendly assurances from all Foreign Powers; and, though I am not yet enabled to announce to you the final arrangement of the questions which have been so long depending between Holland and Belgium, and though, unhappily, the contest in Portugal between the Princes of the House of Braganza still continues, I look with confidence, through the intimate union which subsists between me and my allies, to the preservation of the general peace.

"*Gentlemen of the House of Commons,*

"I thank you for the supplies which you have granted me, and it is a great satisfaction to me to find, notwithstanding large deductions from the revenue occasioned by the repeal of some of the taxes which pressed most heavily on my people, that you have been enabled, by the exercise of a well-considered economy in all the departments of the State, to provide for the service of the year without any addition to the public burthens.

"*My Lords and Gentlemen,*

"I recommend to you, during the recess, the most careful attention to the preservation of the public peace, and to the maintenance of the authority of the law, in your respective counties. I trust that the advantages enjoyed by all my subjects, under our free Constitution will be duly appreciated and cherished; that relief from any real causes of complaint will be sought only through legitimate channels; that all irregular and illegal proceedings will be discountenanced and resisted; and that the establishment of internal tranquillity and order will prove that the measures which I have sanctioned have not been fruitless in promoting the security of the State, and the contentment and welfare of my people."

The *Lord Chancellor* then declared, that it was his Majesty's most gracious pleasure that Parliament should stand prorogued until Tuesday, the 16th day of October.

HOUSE OF COMMONS,

Thursday, August 16, 1832.

MINUTES.] New Member sworn:—Mr. OTWAY CAVE, for the County of Tipperary.

Petitions presented. By Mr. WILKS, from Baptists of London and Westminster, for the Abolition of Slavery; from Boston, for the Repeal of the Taxes on Knowledge.—By Mr. HUME, from Rate-payers of Birmingham, for the Abolition of Church Rates; from Magistrates, Bankers, and Merchants of Dublin, in favour of the Bill for the Abolition of Death for Forgery; from Walsall, Complaining of the, Magistrates, and praying Redress; from the Political Union, Bethnal Green, against using the Name of the King of England and Hanover, to Crush the Liberties of Germany.

[The House was summoned to the House of Peers to hear the King's Speech, with which the SPEAKER soon after returned, and having read it to the House, all the Membe rsretired.]

END OF VOL. XIV.—THIRD SERIES.

AND OF

SIXTH VOL. OF SESS. 1831-2.

APPENDIX.

APPENDIX.

Renewal of the BANK CHARTER. *As this interesting subject will most probably be brought before Parliament previous to the appearance of the first Volume of the Debates for the ensuing Session, I have judged that it would not be unacceptable to give here the Proposal and Conversation on that subject in the House of Commons in* 1800, *extracted from Vols.* xxxiv *&* xxxv.

H.

Proposal and Resolution respecting the Renewal of the Bank Charter.] Feb. 21. The House having resolved itself into a committee of the whole House, on the act for establishing an Agreement with the Bank, and the following Proposal being read, viz.

"To the Honourable the Commons of Great Britain, in Parliament assembled. The Governor and Company of the Bank of England humbly propose,

"That, in consideration of the advance of three millions sterling, in the manner, for the period, and upon the terms, herein after mentioned, they be continued a corporation, with the sole power and privilege of banking for the term of 21 years, from the 1st day of August, 1812, with all abilities, capacities, powers, authorities, franchises, immunities, exemptions, privileges, profits, emoluments, benefits, and advantages, which they now have, possess, or enjoy by virtue or in pursuance of their charter, or of any act or acts of parliament, or of any employment by or on behalf of the public: redeemable, nevertheless, after the expiration of the said extended term of 21 years from the said first day of August, 1812, on one year's notice, and the re-payment of all the principal money and interest which shall be then due and owing to the said governor and company upon all such tallies, exchequer orders, exchequer bills, parliamentary funds, or other government securities, which they shall have remaining in their hands, or be entitled to at the time of such notice to be given as aforesaid; the said governor and company continuing a corporation, with an exclusive power of banking, notwithstanding such notice given, until all the money due to them as aforesaid shall be duly paid. That, in consideration of the above proposed extension of their charter for 21 years, and a grant of their other privileges, employments, advantages, and immunities abovementioned, the said governor and company are willing to advance the sum of three millions sterling for the public service, to be paid on such days during the present year, and in such manner, as parliament shall direct and appoint; the re-payment thereof to be secured by exchequer bills, to be made out at the time of such advance, by virtue of an act to be passed in this session of parliament, and to be made payable at the expiration of six years from the date thereof, without interest; the said exchequer bills to be charged and chargeable upon the first aids or supplies which shall be granted by parliament, for the service of the year 1806, and, in case sufficient aids or supplies should not be granted by parliament for that purpose before the 5th day of April, 1806, the same to be charged and chargeable upon and to be repaid out of the consolidated fund: Provided, That the said governor and company shall have the option of being repaid the said sum of three millions at any time before the expiration of the said term of six years, in case the price of the three per cent consolidated annuities shall be 80 per cent or more, upon giving six months notice for that purpose to the lords commissioners of his majesty's Treasury; and upon such repayment, the said governor and company shall deduct or allow a discount to the public at and after the rate of six pounds per cent per annum on the sum repaid for such part of the said term of six years as shall then remain unexpired. Sealed by order of the Court of Directors, the 13th of February 1800.

(L. S.) "Robert Best, Sec."

Mr. *Pitt* said, that the advantages which the public would derive from the renewal of the Bank charter would be, the possession of three millions for six years without interest; the value of which would be between 6 and 700,000*l.* This was the mere gain upon dry calculation, but not the actual gain; for, in the first place, whether the charter of the Bank were renewed or not, this money would be wanted, together with a much larger sum: what interest was to be paid upon the rest of it must depend upon the terms on which the loan was made; nor could he say what the probable prices would be when this sum of three millions was to be replaced, or when it should begin to bear interest, because it could not be said that would be a period of peace or war. Gentlemen would naturally ask, whether it was right thus far to anticipate the solvency of the Bank under the recent experience of its having been unable to make its payments in cash? But it was so far from being an objection, in his opinion, that it decided his mind in favour of the measure now to be proposed for the renewal of the charter. The public had derived great advantages to manufactures and to commerce by the aid of the Bank, and no doubt would do so again if any similar pressure should be felt. Many thought that much calamity would follow the stoppage of payment in cash by the Bank; but that event had, among other things, convinced us of the good sense there was in placing such general confidence in the Bank, and of the real solidity of that institution. We had seen that our commerce and manufactures, instead of diminishing, had increased during the period of the restriction of payment in cash; which commerce and manufactures he had the satisfaction to observe, were still increasing to a degree unknown to our history; and therefore we ought now, with more confidence than ever, to continue the exclusive privileges of the Bank. These were the grounds on which he should move, "That it is the opinion of this committee, that it is expedient to continue to the Bank of England, for a further term of 21 years, the privileges secured to them by an act, passed in the 21st of his present majesty, on the conditions contained in the Proposal made by the governor and company of the Bank of England for that purpose."

Mr. *Tierney* wished to know whether the proposal for this renewal first came from the chancellor of the exchequer to the Bank, or from the Bank to the right hon. gentleman?

Mr. *Pitt* said, the proposal was first made by him to the Bank directors; was then submitted by them to the consideration of a court of proprietors, who having approved the same, it came back to him; and, from that time, he and the Bank directors had acted together.

Mr. *Tierney* said, he knew these parties agreed very well, and acted together, and that this was not the first instance of their doing so.

The question was carried; and the resolution was reported and agreed to by the House.

March 21, 1800. The order of the day being read, for the third reading of the bill "for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the sum of Three Millions towards the Supply for the service of the year 1800,"

Mr. *Tierney* said, that this was a question which involved the dearest interests of the country. He was anxious to know with whom the desire for the renewal of the charter had originated. He would put it to the House, if it would not have appeared strange, that any bank director, before half the time for which the present charter was granted had expired, should propose a renewal of this charter, more especially when it was remembered, that through the gross mismanagement of these very directors, the affairs of the Bank had been thrown into such disorder, that it was indebted for its existence, at this moment, solely to the forbearance of the public. On the other hand, would it not appear equally surprising, that ministers should propose the renewal of a charter to a set of men whom they had found it necessary, in consequence of their mismanagement, to subject to restraint, and whom they had only preserved from bankruptcy by parliamentary assistance? Would it not appear surprising, that ministers should apply for money to these men, and that body, whom only their own fostering care had, three years ago, saved from ruin? There were yet twelve years of the present charter to run, and at this distance, it was proposed to renew this charter for twenty-one years more, and thus to invest the very men, who had already so grossly mismanaged it, with the control and superintendance of the whole money concerns of the country for no less a period than thirty-three years. In this point of view, the measure appeared to him dangerous and unwise. But the bargain was to be considered in itself, as it regarded the Bank, and as it regarded the country. The terms proposed were, that the Bank should lend to government three millions for six years. The value of this loan was easily computed. Any person could tell what the value was of an annuity of 150,000*l.* for six years; but this bargain was not like the usual ones formed by government: it was connected with some refined speculations upon the value and the rise of stocks. These three millions, by the terms of the agreement, could be claimed by the Bank whenever the price of the 3 per cents was above 80, and the country were to lose the annuity of 150,000*l.* as soon as this claim was made, which might be expected very soon: for in case of a peace, there could be no doubt that stocks would almost immediately rise to 80, and then the only advantage that would remain to the country would be that of buying three millions of stock at par, that was to say, at 60, and selling it at 80. [Mr. Pitt here said, that the Bank, indeed, could claim the three millions which they advanced to government when the 3 per cents rose above 80; but they continued to pay interest at 5 per cent on the said three millions during the whole of the six years; and in this case, he would leave any gentleman to judge how far it was probable that they would claim this money till the expiration of six years.] Mr. Tierney said, that allowing this circumstance its full weight, the real value of the loan granted to government, could not be estimated at more than 750,000*l.* He had no means of ascertaining what was the ability of the Bank to pay this sum; but, if all circumstances were taken into account, he did not think it would be found that, in point of fact, they paid any thing. Allowing, however, that they paid 750,000*l.* it remained to be inquired, whether this was an adequate value for what was granted to them? In the first place, there was a dividend of 3 per cent on the eleven millions which they were in advance to government; but from the exclusive privilege which the Bank enjoyed on the whole of these eleven millions, which might be considered as a capital, the directors divided at least 7 per cent. This 4 per cent, which made the difference between the 3 and the 7, was what the country had to sell, and it amounted in value to 464,000*l.* Lord North, during his administration, estimated the advantage which the Bank drew from this source at 350,000*l.* and it was easy, fom various circumstances, to account for the rise to 464,000*l.* But let the Bank profits be fairly estimated. The charges of management of the public debt, estimated at 4*l.* 10*s.* per million, will amount to 212,000*l.* per annum. Assuming the annual advances to government to be ten millions, the profit arising from this source would amount to 500,000*l.*, the profits on discount to 250,000*l.*, making a total of 962,000*l.* From this must be deducted the expenses of the management of the Bank; for which he thought 100,000*l.* was an ample allowance. This, however, was an estimate founded upon calculations in time of war; in time of peace, there would be some deductions: but the profits upon a fair average, allowing six years of war in the 21 years for which the charter was proposed to be renewed, might be justly estimated, deducting the 100,000*l.* for expenses of management, at 671,000*l.* Was, then, the 750,000*l.*, which was the value of the loan granted by the Bank, an adequate compensation for the profits which the Bank would derive? Certainly not. There surely must be something in the character of a bank director highly desirable, when the most busily-employed mercantile men in the city were so eager to attain it. There was no office under government, no honour, more anxiously desired, or more keenly canvassed for. The salary was 150*l.* per annum. It could not be supposed that men, who were accustomed to deal in millions, could be tempted by the paltry sum of 150*l.* But there must be some ground to acconnt for the circumstances just mentioned. What these were could only be guessed at. This, however, was clear, that they had the power of controlling the whole city of London in money concerns; for if they refused to discount for one merchant, and discounted for another, who would say that these men stood on an equal footing, and that he against whom they were prejudiced would not fall under the effects of their declining to negociate with him? If these things were taken into consideration, the inference must be drawn, that there was something in the Bank which would not bear a name, but which yet required to be attended to by this House, when any proposal was made relative to the renewal of the Bank charter on its present footing. So long as the country owed the Bank eleven millions, it had been said that the Bank had a security from the country for its continuance as an exclusive corporation. At one time, indeed, it would have been a great burthen on the country to have redeemed this debt, but at present it could be no argument for granting the Bank a renewal of its charter. We must have peace long before its present charter was expired; and in the case of peace, from the effects of the sinking fund, and of the union with it of the tax upon income, there could be no doubt that this debt might be paid off with the greatest facility before the expiration of the present charter. After this debt had been redeemed, when an annuity of 671,000*l.* was to be disposed of, as might be the case were the charter not to be renewed till near the expiration of the present term, much more advantageous terms for the country might be procured than those now proposed. The effects of competition might be tried; or if it was said, what! would you establish two banks? at least other directors might be employed: for surely the Bank could not possibly be under worse direction than that which had almost reduced it to bankruptcy.—From these statements it would appear clear, that 750,000*l.* was by no means an adequate compensation for the advantages conferred. It might be said, that the time at which this money was given increased its value; and that it was more now than double the sum would be at another period: and it would, no doubt, be stated that government, by borrowing three millions at 60, and selling at 80, would be a gainer of 900,000*l.* which, added to the 750,000*l.*, made a gross sum of 1,650,000*l.* Allowing the truth of all this, still the compensation was not adequate to the sacrifice which the country made, nor even to the profits which it gave. But, laying aside the pecuniary bargain altogether, the renewal of the charter should not at present take place. It was conferring, for a great length of time, immense privileges and powers on a corporate body; and it had been proved, that the granting of great privileges to one body was often attended with much inconvenience to the country. The evidence delivered before the Committee of Secrecy of the House of Commons, proved this point incontestibly. From that evidence it appeared, that at that time the Bank, in consequence of making too great advances to government had become bankrupt. The examination of Mr. Henry Thornton proved, that, in consequence of this, there had been an association of bankers to establish a new circulating medium, and that in the use of this, they were to become responsible for each other. This plan, wise and beneficial as it might have proved, could not be carried into effect, because it interfered with the privileges of the Bank. At the same period the establishment of another bank was proposed by an hon. baronet; and he supported his proposition, by the argument that the Bank had forfeited its charter. The proposition, it was argued, could not then be discussed, because the exclusive charter of the Bank was still in force, and had not been forfeited: but it was allowed, that the proposition deserved mature deliberation, and that it would come under review with greater propriety when the renewal of the Bank charter came to be discussed. Why, then, by such a precipitate measure as the present, were we to be precluded from considering whether the establishment of another bank would be expedient, or whether, though this might not be thought proper, it might not be expedient to abridge in some measure the privileges which the Bank enjoyed. Such a proposal as that mentioned in the evidence of Mr. H. Thornton, though it could not be carried into effect in London, might be adopted with advantage in the country. In Yorkshire, Lancashire, and other places, a new world of commerce had arisen, where such a plan might be attended with immense advantages. The wish which was strongest in my mind was, that government and the Bank might be less connected, that they might be more independent of each other, and that they should act with that independence. The independence of the Bank on government, would be one of the best checks upon its power; and were government independent of the Bank, it would not be, as it was now, the slave of the monied interests of this kingdom. It might be recollected, at the end of lord North's administration, when lord John Cavendish became chancellor of the exchequer, what difficulty he felt in negociating a loan, in consequence of the opposition of the Bank direction to government. This opposition had such an effect, that the subscribers to the loan were losers to the amount of between ten and twelve per cent. This was, surely, too much power to be vested in any corporate body when it could thus frustrate the plans of government. The answer to all his arguments and statements would be, that the right hon. gentleman was in want of three millions, and was afraid of coming on the country, at this moment, for such a sum, and of adding it to the funded debt. As to the ability of the Bank to advance this money, some reflections would naturally arise. From the beginning of the war the Bank had been making growing advances to government; at last, in July 1796, they found it necessary to complain seriously that they could not carry on business with safety to themselves, except there was prompt payment made of some of these sums. At that time, they had advanced 9,829,000*l.*, On the 21st of January last, the advances of the Bank to government amounted to eight millions, and now they had advanced other three millions for six years, which made the total of their present advances eleven millions; a sum much exceeding that of which they had complained as disabling them from carrying on business with safety. It was impossible that the Bank could make such a proposal as the present, unless, they knew that they were deriving a profit from their scheme, and that they would never be called on to pay their notes in cash. Nor could it be said that other circumstances were now more favourable than they were in 1796. Subsidies were still draining the country of its cash, and expeditions, more extensive than any projected at that period, were now carrying on, which threatened the same effect. He had heard much talk of French finance; but he now saw no difference between the French system and that adopted in this country. The right hon. gentleman was, in fact, dealing in assignats. He might smile at the expression; but he had never used the expression "flimsy paper" at any period, nor declaimed against the use of paper currency. Yet now, when such measures of finance were adopted, he really thought that the country was dealing in assignats, in flimsy paper, and that a mean plan of state juggling was carried on between government and the Bank; ministers courting the Bank, and the Bank courting ministers. He called on the House to pause before they agreed to a measure which was such an infringement on the dearest rights of the country.

Mr. *Pitt* said, that the hon. gentleman had concluded his speech with the singular request, that a measure, confessedly of great importance, and now in its last stage, should now be stopped on the sudden, although there was no circumstance of surprise to be stated. The true way of considering the present measure was this: to consider the value of what we, that was, the public, were to give, and that which we were to receive? Nothing could be more fallacious than the mode taken by the hon. gentleman, to consider the profits of the Bank; for he included, in his estimate of such profits, all that they made by discounts, which they made, not as a chartered body, but merely as a mercantile company by the operation of their capital, and which they would possess whether they had a charter or not. To charge the Bank, therefore, any thing for the renewal of its charter, on account of the profits made by discount, was the same thing as going into the banking house of any individual banker, and to say, "You have been allowed to discount; you have profited by that practice to a given sum; and if you choose to continue that profitable practice, you must give us a sum of money, or else your right to do so shall not be renewed." But the hon. gentleman said, we might offer a charter to any other body of men, and give to that body all the privileges now given to the Bank. We could do no such thing; for the Bank was a chartered body corporate, actually empowered to take the care of the funds which arose to individuals out of the national debt, and should subsist until that debt was paid. Now, upon the amount of the national debt, the hon. gentleman had made many observations; but he really believed he had stated that part of the subject differently from the fact. The real question was, what the public ought to have for the renewal of the charter of the Bank? And, in considering this, we ought to consider also, if the Bank really offered too little, what would be the hazards of any new plan upon a subject of such national importance, especially with the experience we had of its effects in other quarters; this should make us cautious, at least, how we entered upon any new plan upon the subject of a national bank. He maintained, that it was adviseable to enter into this agreement with the Bank, rather than divide it with others. He maintained also, that it was adviseable to do it at a period of war, rather than to wait for a time of peace; and he would assign his reasons for thinking so. He had stated, when he opened this subject to the House, that from certain circumstances the Bank had been under the necessity, in the course of the present war, of stopping payment in cash; but such an event was so far from affording any argument against the present measure, that it furnished a very strong one in its favour. When that measure took place, almost every man dreaded it, and it was a subject which distressed speculative politicians to look at. We had, however, seen the effect, and we had seen that it had only proclaimed to the world the confidence of the public, and the solid foundation of the Bank. Nothing was to be inferred from it, but that the credit of the Bank was increasing, as well as the credit of the nation; and it appeared, that the prosperity of the country had advanced in a period of war more rapidly than at any former period of the same length of peace; that in this new world of commerce, in this war, four millions more of exports had taken place in one year than in any former year of peace. This was the result of that which no man hardly could look upon without fear and trembling, but which, he could now say, had proved to the world at large the solidity of the Bank, and had removed all possible doubt upon that subject. If, therefore, these things were true, as most unquestionably they were, had he not better reason than ever for saying that the Bank was not only as firm, but firmer than almost any person apprehended? Having no doubt upon that subject, he would ask, whether he was not also justified in making this agreement with the Bank? The first question was, Whether it would produce gain or loss to the public? 2ndly, Whether the thing were creditable or not? Now, upon the latter question, it was certainly not creditable in general, to sell a reversion upon usurious profits to the purchaser; but if the terms were fair, and the sum was given before it naturally became due, it was not discreditable to the seller to make such a bargain. Then, as to the terms, if any one would look at the subject properly, he would see that our policy was, to prevent the rapid accumulation of debt, or to check the progress of the interest of it. This was done by the present measure; for here were to be three millions brought into the public service without interest for a time. The question, then, was, Whether this sum should be taken now, or be left to a future period? Now, if we looked to a period of peace, certainly it was extremely difficult to say when we should arrive at that period; yet he might say that we could hardly expect to be concerned in any very extensive war six years hence; and then the 3 per cents being at par, the difference between making this bargain now, and making it then, would be 1,700,000*l.* This sum the public would lose by following the advice of the hon. gentleman. The profit to the Bank was about 400,000*l.*, and not 671,000*l.* as stated by the hon. gentleman. This 400,000*l.* for 21 years was what the public granted to the Bank. Besides, if this was not granted to the Bank, it must have been granted to some other company, on the principle of the hon. gentleman himself. These points considered, he would ask, was this an improvident bargain on the part of the public? There was another point not taken notice of by the hon. gentleman; which was, that if we let the Bank charter expire, we must repay the Bank its eleven millions capital at par, for which at present we paid only 3 per cent. The hon. gentleman was sanguine as to the circumstances of the country, in which he had no disposition to quarrel with him; but if we looked at the period of twelve years, we should not take either the probable price of the funds in time of peace, nor of war, but a medium price. Now, that medium price between war and peace he would take at 75; and, remembering that we were bound to pay the Bank the eleven millions at par at the expiration of their charter, we should find the calculations of the hon. gentleman erroneous. The hon. gentleman said, that this cost the Bank nothing: very true, but if we did not give this to the Bank, we should give it to some other body of men: in short, his opinion was, that this was a reasonable bargain between the public and the Bank. But the hon. gentleman said, this could never have taken place if the Bank had not been restricted from making payments in cash, and that this was owing to the great advances of the Bank to government. The present advance of the Bank to government was about eight millions; and when this came to be added, it would certainly amount to eleven millions; and the hon. gentleman considered this as an unprecedented thing. Now it did so happen, that the Bank was in advance to government eleven or twelve millions at a period so long ago as the time of sir Robert Walpole; therefore, there was nothing very extraordinary in this advance. As to what had been said on the subject of the undue influence arising from the connection between government and the Bank, he could not help regarding it as idle declamation. We were told, we should wait for a period until there should be no connection between government and the Bank? What harm was there in this connection? What was the injury likely to be done to the public credit, by the Bank advancing to government sums for the security of which the Bank had the protection of parliament? Where was the mischief that the Bank, deriving its profits through a thousand channels connected with the growing commerce of this country, should supply the great machine of state which put the public force in motion, to protect the inhabitants of a great and flourishing nation in the enjoyment of all the blessings they feel? Where was the harm that the Bank should employ part of its great capital to facilitate the circulation of exchequer bills, and to make loans on easy terms? Where was the harm that they should employ part of their wealth to aid the transactions of all public business? Where was the harm that the Bank should contribute to the more economical, as well as the more easy management of public affairs, and to the real stability of government? In short, he saw nothing extraordinary in this connection between government and the Bank.

Mr. *S. Thornton* confessed, that the first overtures for the renewal of the Bank charter came from the governor and directors of the Bank, because they felt that such a renewal at such a period would prove of utility both to the Bank and to the country at large. A question had been set afloat about the establishment of another bank; meetings had been held for that purpose; pamphlets had been published in recommendation of such a measure, and motions had even been made in that House, respecting its necessity. It was therefore high time to propose the present measure, and to bring it to as early a decision as possible. He disclaimed, in his own name, and in that of the directors, being influenced by any political hostilities or predilections, and he was bold to assert, that there never was a greater proportion of specie in the Bank to their paper currency, than was to be found in it at the present moment. He thought it right that the Bank should make advances to government as far as their abilities would admit and prudence would justify, but he confessed that they would act a dishonourable part if they advanced a single pound note without being in possession of wherewith to make it good.

Mr. *Manning* expressed his indignation that any expression like that of "flimsy paper," should be applied to the current notes of the Bank of England. The advances of the Bank to government were as great at other times as at the present. As to the advantages supposed to be derived from the situation of bank director, they were more than counterbalanced by risks to which the Bank was exposed by forgeries, which of late years had amounted to considerable sums. The situation of bank director was therefore erroneously stated to be a lucrative one; whoever undertook it with that view was unfit for such a trust. Those who now charged themselves with that important duty could be influenced by no other motive than their desire to labour for, and promote the public utility.

Mr. *Simeon* justified the stoppage of the Bank upon reasons of sound policy, and contended that it should not be confounded with the stoppage of any private bank; it was not looked upon in that view by the public, but on the contrary, for on the very day the specie payments of the Bank had stopped, stocks rose 1½ per cent.

The bill was then read a third time.

GENERAL INDEXES

TO

VOLS. IX, X, XI, XII, XIII, AND XIV. *(THIRD SERIES)* SESSION 1831-2,

OF

HANSARD'S PARLIAMENTARY DEBATES.

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FINIS.

T. C. Hansard, Printer,
32, Paternoster-row, London.